

1946-499-1A5

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Do not Enter Any
Exhibits

194-499,145

July 16, 1964

PEI-NEW YORK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-22-2010 BY 60324 UC BAW/SAB/LSC

Field File No. _____

OO and File No. NY 194A - 499 - 1A1Date Received 5-6-85From _____
(Name of Contributor)_____
(Address of Contributor)_____
(City and State)By
(Name of Special Agent)

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To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☒ No

Title: _____

Reference: _____
(Communication Enclosing Material)Description: ☐ Original notes re interview of

DMV printout of PERCY
SUTTON

QFBQ DGRP
QFBQ DGRP

JRI/.* .NAM/SUTTON,PERCY
.DOB/* .SEX/*.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-22-2010 BY 60324 UC BAW/SAB/LSC

DMV

V 1320-1320 05/13/85 1004722 QFBQ35974

NYMV DGRP QFBQ 1321

GRPSUTTON,PERCY

HEDR SUTTON,PERCY,E

10 W 135 ST

11/24/20M

NEW YORK CITY NY

QFBQ DALL
.TIE/1.

V 1321-1321 05/13/85 1005167 QFBQ35975

NYMV DALL QFBQ 1322

EAL1

HEDR S21770 14301 447417-20

SUTTON,PERCY,E 11/24/20M

10 W 135 ST NEW YORK CITY NY

NEWY 10037 000000 10

-IC *5* 11/24/86 BR 5 11

21115 01370

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
194-497-141

V 1321-1321 05/13/85 1005179 QFBQ35976

NYSP PTST QFBQ 1322

NYFBIQU00

NO RECORD NYSPIN

NAM/SUTTON,PERCY E

.DOB/112420.SEX/M.RAC/U

V 1321-1321 05/13/85 1005207 QFBQ35977

NCIC PTST QFBQ 1322

NYFBIQU00

NO NCIC WANT DOB/112420 NAM/SUTTON,PERCY E SEX/M RAC/U

QFBQ RNAME

V 1321-1321 05/13/85 1005266 QFBQ35978

NYMV RNAME QFBQ 1322

PTN

HEDR SUTTON,PERCY,E

11/24/20M

10 W 135 ST NEW YORK CITY NY

NYP297 12 85 CANTU 4080 CY 07/85

QFBQ RNAM

N 1321-1321 05/13/85 1005266 QFBQ35978

NYMV RNAM QFBQ 1322

PTN

HEDR SUTTON,PERCY,E 11/24/20M

10 W 135 ST NEW YORK CITY NY

NYP297 12 85 CADIL 4DSD CY 07/85

HEDR SUTTON,PERCY,E 11/24/20M

10 W 135 ST NEW YORK CITY NY

673TQM 16 85 CADIL 4DSD GR 09/85

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-22-2010 BY 60324 UC BAW/SAB/LSC

Field File No. _____

OO and File No. NY 194A-499-1A2Date Received 5-6-85

From _____

(Name of Contributor)

(Address of Contributor)_____
(City and State)

By _____

(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☒ No

Title: _____

Reference: _____

(Communication Enclosing Material)

Description: ☐ Original notes re interview of _____

NEXIS printout re
PERCY SUTTON

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b7c

(c) 1984 The Washington Post , October 5, 1984

Phil Watson, an investor with the third company, District Telecommunications Development Corp., said that there will be other actions to oppose District Cablevision and called the Justice Department letter "just the first cannon fire."

Kevin R. Sullivan, the Justice Department's assistant chief for the special regulated industries section, said that the department is obligated to respond to complaints under the Modified Final Judgement.

"Any investigation we do is confidential until we take some action, but I can say that we will respond to the complaint," Sullivan said.

Robert L. Johnson, president of District Cablevision, charged that Percy Sutton, head of the New York based Inner City Broadcasting Corp. and a principle Capital City investor, influenced the decision to seek federal help.

"It's a sour grapes letter," said Johnson.

"They lost at the City Council and they are trying to overturn the legislative intent of the City Council. Outside leadership (for Capital City) from New York is insensitive to our keen interest in preserving home rule. By inviting federal intervention from the Justice Department, Capital City is

LEVEL 1 - 2 OF 35 STORIES

Copyright (c) 1984 Government Research Corporation;
National Journal

September 29, 1984

SECTION: POLITICS; Campaign Report 1984; Volume 16, No. 39; Pg. 1808

LENGTH: 3495 words

HEADLINE: How Many Blacks Will Vote Is the Question Mark in the Campaign

BYLINE: BY RICHARD CORRIGAN

BODY:

... folks that it's in their interest to get out and vote."

"We are fighting to get Mr. Reagan and his insensitive entourage out," said Percy Sutton, a veteran New York City Democratic leader who is chairman of Inner City Broadcasting Corp., a black-format chain of radio stations. "We are ...

(c) 1984 Time Inc., Time, September 10, 1984

HEADLINE: A Long-Awaited "Embrace";
The nominee wins the support of blacks and Jesse Jackson

BYLINE: By William R. Doerner. Reported by Sam Allis/Washington and Jack E. White with Mondale

BODY:

They have been among the most loyal elements in the Democratic coalition, and Walter Mondale has been one of their most respected allies. Yet black voters, like many of their leaders, have become increasingly resistant to the prospect that their support might be taken for granted. That was a basic theme of the Rev. Jesse Jackson's crusade in the Democratic primaries; by attracting three out of four black votes cast, he became, for better or worse, the black community's presumptive political broker. For Mondale, coming to terms with Jackson and other black leaders was a difficult but crucial preliminary to kicking off his formal campaign. The nominee did so after 50 black leaders spent almost eight hours last week debating the issue in a ballroom of the Twin Cities' St. Paul Hotel. Said Jackson when it was over: "We must leave this place and mobilize the people of our nation." Added a jubilant Mondale: "Thus endeth the reading of the Word."

(c) 1984 Time Inc., Time, September 10, 1984

Mondale spent more than two hours sitting at the ballroom's huge central table during the black leaders' debate. He watched expectantly as a motion to endorse him was introduced by Hazel Dukes, president of the N.A.A.C.P.'s New York State chapter. Former Manhattan

Borough President Percy Sutton proceeded to voice his lingering qualms

(c) 1984 Time Inc., Time, September 10, 1984

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Borough President Percy Sutton proceeded to voice his lingering qualms about

Mondale's refusal to support a specific funding level for a job-creation program. Suddenly dissension filled the room, with some participants loudly agreeing with Sutton's reservations and others demanding a vote.

Amid the turmoil, the ample figure of former Atlanta Mayor Maynard Jackson, an early supporter of Jesse Jackson (no relation), began to dominate the closed session. Recalls New York Congressman Charles Rangel, who chaired the meeting: "Maynard cross-examined Fritz. He did an eloquent Clarence Darrow job." Why, Jackson asked, was Mondale so reluctant to pledge a specific amount for jobs? Because, the candidate explained, he was committed to cutting the deficit by two-thirds and the austerity required might not permit a large federal work program. Did he have other ideas for addressing high black unemployment? Yes, replied Mondale. The lower interest rates brought on by falling deficits would stimulate overall employment, and he would expand programs calls for minority

(c) 1977 The Washington Post, September 9, 1977

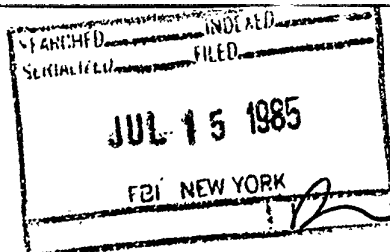
People shouted greetings from cars, pedestrians stopped him to shake hands or get autographs.

In a catch-95-catch can interview reminiscent of reporters trying to keep up with a former resident of 1600 Pennsylvania Ave., Lyndon B. Johnson, Ali answered a complaint by Madison Square Garden, the promoter of his bout.

A letter to the champion reminded him that he had been hired at \$3 million to train diligently, but has missed 10 of his last 16 training days.

"That's right," Ali said, trying a grim expression. "And I'm going to miss five more. I've got more important things to do than boxing. I'm boxing a benefit exhibition on Saturday before the Howard University-Florida A&M football game in Giants Stadium in New Jersey.

"I am going to an affair for an old friend in Louisville on the 21st." He was in New York City the other day campaigning for Percy Sutton on his bid to be



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Field File No. _____

OO and File No. NY 194A-499-1A3

Date Received 7-5-85

From _____

(Name of Contributor)

(Address of Contributor)

BRONX; N.Y.

(City and State)

By _____

(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☐ No

Title: _____

Reference: _____

(Communication Enclosing Material)

Description: ☒ Original notes re interview of

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b7C

ROUGH
Draft

- (NO NOTES TAKEN AT INTERVIEW)
done immediately following interview

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-22-2010 BY 60324 UC BAW/SAB/LSC

7-5-85

302

at

Bronx, N.Y.

194A-499

7-5-85

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Upon a & the ID of the
int SA's [redacted]
[redacted] Bronx, N.Y., telephone [redacted] advised as follows

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N.A. advised he knows [redacted]
to be [redacted] The Bronx,
N.Y. Since [redacted] in [redacted] has
The Bronx he knows of [redacted] has
met [redacted] several times over the
years and has contributed to several
of [redacted] have occurred at [redacted] meetings

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[redacted] advised that [redacted] has not
used his influence as [redacted]
to benefit [redacted] or [redacted]
any way. [redacted] has not been
involved in any kind of bribery in 1979 or
at any other time which may have
effected [redacted] obtaining any
[redacted] is not aware
of any alleged bribe to PERCY SUTTON
on behalf of [redacted]

①

[redacted] advised that [redacted] contacted him once to recommend a [redacted] (black) contractor in the event any of [redacted] called for a minority contractor. [redacted] stated that he never used this minority contractor recommended by [redacted] and he cannot recall the name of the contractor or his contact. This is the extent of [redacted] contact with [redacted].

[redacted] advised he has never met WILLIAM MASSELLI, [redacted] AKA [redacted] or PERCY Sutton. A has read about WM + PS in local newspapers. [redacted] is not aware of any information concerning WM & P.S. other than what has appeared in the newspaper. [redacted] is not aware of any alleged [redacted] paid to P.S. in 1979 on [redacted] behalf of [redacted].

This ~~concluding~~ concluded ~~specimen~~ the inquiries of SA [redacted]. This interview continued with questions asked by SA [redacted].

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HEREIN IS UNCLASSIFIED
DATE 07-23-2010 BY 60324 UC BAW/SAB/LSC

Field File No. _____

OO and File No. NY 194 A-494-LAYDate Received 7-22-85

From _____

(Name of Contributor)

(Address of Contributor)

(City and State)

By _____

(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☒ No

Title:

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 194-494-LAY

Reference: _____

(Communication Enclosing Material)

Description: ☐ Original notes re interview of _____

NYO INDICES CHART
RE: 30 TUMCON related CASES
opened APRIL 1985

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DOC LAB NOTE

DOCUMENT (S) CANNOT BE SCANNED

DESCRIPTION:

NYO INDICES CHART

RE: 30 TUMCON related Cases

opened April, 1985

TRANSMIT VIA: AIRTEL

CLASSIFICATION: _____

DATE: APR 22 1985

✓ FROM: Director, FBI

PERSONAL ATTENTION

TO: ADIC, New York
Attention: SAC Thomas L. Sheer
ASAC Francis J. Storey, Jr.BRIBERY - PERCY SUTTON
OO: New York

ReButel to New York, Newark and WFO dated 4/5/85 captioned "TUMCON."

Enclosed for New York and Newark is one copy of a memorandum from
[redacted] DOJ, to EAD John Otto dated 3/22/85. Also enclosed for New York
and Newark is one investigative package relating to the above-captioned matter.b6
b7CAs New York is aware, the captioned matter was identified after a team of
Special Agents and analysts conducted a thorough assessment of the "TUMCON" file.

[redacted]

b3

That is the extent of the allegation.

New York should thoroughly review this packet and check all appropriate
sources to determine if any additional information has been developed regarding
payoffs to Percy Sutton. If no additional information is developed, present this
matter to the appropriate Federal prosecutor and receive a letter of declination.
If positive information is received, report same with recommendation for additional
leads. This packet has been provided to Assistant U.S. Attorney [redacted]
Chief, Organized Crime Unit, Southern District of New York, by [redacted] DOJ.b6
b7CNew York should immediately advise FBIHQ by teletype,
attention: SSA [redacted] Room 3086, extension 5682, the identity of
the Agent assigned to this matter. New York will weekly, by COB Friday,
report by teletype the progress of this matter.b6
b7CNew York is again reminded that this matter is to receive priority
attention and no Agents previously associated with the "TUMCON" investigation
should be assigned to this matter.w/enclosures
Enclosures (2)

1 - Newark (information)

Attention: SAC James Cagnassola, Jr. [redacted]

OPEN (REOPEN)
ORIGIN
SUPVCASE
DATE
SECTE
NE
D

194A-499-3

APR 22 1985

Case Agent [redacted]

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b7C

FBI

TELETYPE

IMMEDIATE

UNCLAS

4/23/85

IMMEDIATE
NEW YORK (183A-1290) (P) (C-6)
IMMEDIATE
DIRECTOR FBI () ()

ATTN: FBIHQ SUPERVISOR [REDACTED]

ATTN: FBIHQ SUPERVISOR [REDACTED] OCS

ATTN: FBIHQ SUPERVISOR [REDACTED] WCCS

NEWARK () ()

ATTN: SUPERVISOR [REDACTED]

BT

UNCLAS

TUMCON

REFERENCE DIRECTOR TELETYPE TO NEW YORK (NY), DATED APRIL 5,
1985 AND CONFERENCE WITH FBIHQ SUPERVISORS [REDACTED]
[REDACTED] ON APRIL 22, 1985 AT NY.

1 - New York
1 - Supervisor C-6
DRW:dls085V2
(2)

194A 499-4

SEARCHED	INDEXED
SERIALIZED	FILED
APR 24 1985	
FBI NEW YORK	

[REDACTED] [REDACTED]

Approved: W Transmitted _____ Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: _____

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NE FAZ
D

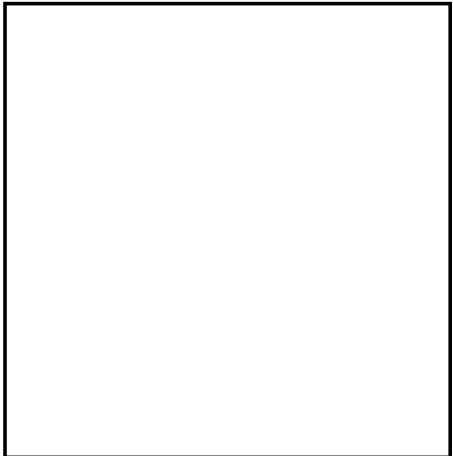



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AS THE BUREAU IS AWARE, NY HAS OPENED SUBSTANTIVE CASES IN THE THIRTY (30) AREAS OF INVESTIGATION OUTLINED IN REFERENCED COMMUNICATION. AGENTS AND THIRTY (30) ASSIGNED CASES ARE AS FOLLOWS:

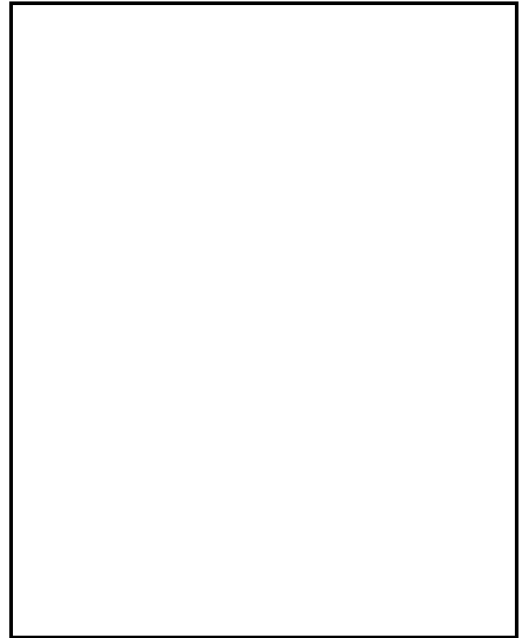
AREA NUMBER	NY CASE FILE NO.	CASE AGENT
1) LONG ISLAND RAILROAD BRIBERY	183A-3429	
2)  BACKGROUND INFORMATION	183A-3424	
3) ERIKA BUNNE HOMICIDE	183A-3423	
4)  FUEL ALLOCATION BRIBERY	58A-2546	
5) 	194A-496	

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CONTRONI

- 20) BRIBERY: PERCY 194A-499
SUTTON
- 21) REHABILITATION OF 147A-2944
SEVENTH AVENUE,
HARLEM
- 22) REHABILITATION OF 147A-2946
AVENUE ST. JOHN,
BRONX
- 23) REHABILITATION OF 147A-2945
EAST FORDHAM ROAD
- 24) BRIBERY: ALPHONSE 194A-500
INDELICATO
- 25) 183A-3425
GUN TRAFFICKING

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b7C



FD-36 (Rev. 5-22-78)

FBI

TELETYPE

IMMEDIATE

UNCLAS

4/26/85

IMMEDIATE
NEW YORK (194A-499) () (TUMCON SPECIAL)
IMMEDIATE
DIRECTOR FBI () ()
ATTN: SSA [REDACTED] ROOM 3865

22202

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BT
UNCLAS

BRIBERY-PERCY SUTTON; OO: NEW YORK

REBUAIRTEL TO NEW YORK, DATED APRIL 22, 1985.

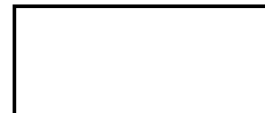
ABOVE CAPTIONED CASE "PACKET" HAS BEEN REVIEWED. APPROPRIATE
RECORD CHECKS (I.E. INDICES, [REDACTED] DMV, [REDACTED] ELSUR,
NYPD CHECK) HAVE BEEN INITIATED.

b2

IT IS ANTICIPATED THAT THE RESULTS OF THESE RECORD INQUIRIES
WILL BE AVAILABLE NEXT WEEK.

194A-499-10

1 - New York
1 - Supervisor TUMCON SPECIAL
RSW:seg010V4
(2)



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Approved: LFL/DRW Transmitted: 129 Per ...

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
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WP Initials: elm

ADDITIONAL INFORMATION WILL BE PROVIDED TO THE BUREAU UPON
REVIEW OF RECORD INQUIRIES AND COVERAGE OF APPROPRIATE LEADS.

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.9 (#2781)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/129

DATE: 26 APR 85 22:20:57 EDT

CC:

TEXT: VZCZCNY0129

OO HQ

DE NY #0129 1162146

ZNY UUUUU

R 262113Z APR 85

FM FBI NEW YORK (194A-499) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: SSA [REDACTED] ROOM 3865

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BT

UNCLAS

BRIBERY-PERCY SUTTON; OO: NEW YORK

REBUAIRTEL TO NEW YORK, DATED APRIL 22, 1985.

ABOVE CAPTIONED CASE "PACKET" HAS BEEN REVIEWED. APPROPRIATE
RECORD CHECKS (I.E. INDICES, [REDACTED] DMV, [REDACTED] ELSUR,
NYPD CHECK) HAVE BEEN INITIATED.

b2

IT IS ANTICIPATED THAT THE RESULTS OF THESE RECORD INQUIRIES
WILL BE AVAILABLE NEXT WEEK.

PAGE TWO DE NY 0129 UNCLAS

ADDITIONAL INFORMATION WILL BE PROVIDED TO THE BUREAU UPON
REVIEW OF RECORD INQUIRIES AND COVERAGE OF APPROPRIATE LEADS.

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0129

NNNN

-----END OF DOCUMENT-----

FD-36 (Rev. 5-22-78)

FBI

TELETYPE

IMMEDIATE

UNCLAS

5/3/85

IMMEDIATE

NEW YORK (194A-499) (P) (TUMCON SPECIAL)

IMMEDIATE

~~DIRECTOR FBI (-) (-)~~ 23048

ATTN: FBIHQ SUPV. [REDACTED]

ATTN: FBIHQ SUPV. [REDACTED]

ROOM 3665

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BT

UNCLAS

BRIBERY-PERCY SUTTON; OO:NY.

REFERENCE NY TELETYPE TO DIRECTOR, DATED APRIL 26, 1985.

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
JAF:TAF148V4
(2)

194A-499-13

SEARCHED INDEXED
MAY 1985
[REDACTED] pgu

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Approved: LFL/DKJ

Transmitted 176

Per

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WP Initials: [Signature]

NEW YORK IS REVIEWING RECORD CHECKS REGARDING CAPTIONED MATTER.
PARTIAL REVIEW OF THESE RECORDS HAS BEEN DONE. NEW YORK IS
CONSIDERING INTERVIEWING [REDACTED] REGARDING
CAPTIONED MATTER.

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b7C

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.12 (#3480)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/176

DATE: 3 MAY 85 23:04:31 EDT

CC:

TEXT: VZCZCNY0176

OO HQ

DE NY #0176 1232232

ZNY UUUUU

R 032202Z MAY 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: FBIHQ SUPV.

ATTN: FBIHQ SUPV.

ROOM 3865

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BT

UNCLAS

BRIBERY-PERCY SUTTON; OO:NY.

REFERENCE NY TELETYPE TO DIRECTOR, DATED APRIL 26, 1985.

NEW YORK IS REVIEWING RECORD CHECKS REGARDING CAPTIONED MATTER.

PARTIAL REVIEW OF THESE RECORDS HAS BEEN DONE. NEW YORK IS

CONSIDERING INTERVIEWING

REGARDING

CAPTIONED MATTER.

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194A-499-13

MAY

1985

DRW

PAGE TWO DE NY 0176 UNCLAS

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0176

NNNN

-----END OF DOCUMENT-----

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

DATE: 4/30/85

TO : ASAC, DIVISION 11 (183-1290) (P)
FROM : SA [REDACTED] (TUMCON SPECIAL)
SUBJECT: TUMCON SPECIAL
RICO;
OO:NY

b6
b7C

On April 25, 1985, this agent telephonically contacted FBIHQ Supervisor [REDACTED] ex. 5716, OCS, regarding captioned matter. [REDACTED] was asked if standard reporting requirements in each separate case were to be followed in addition to the weekly teletype submissions to FBIHQ.

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[REDACTED] advised that the weekly teletypes would suffice at this time and standard reporting requirements could be disregarded. It should be noted that the standard reporting requirements discussed concerned white collar crime investigations such as bribery and Hobbs Act violations which involved initial LHM's and AUSA's prosecutive opinions, among other administrative matters. [REDACTED] advised that any dissemination of information such as to IG's offices could be conducted thru him via the weekly teletypes.

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2 - 183A-1290	2 - 58A-2547	② - 194A-499
2 - 183A-3429	2 - 166A-4273	2 - 147A-2944
2 - 183A-3424	2 - 12A-932	2 - 147A-2946
2 - 183A-3423	2 - 58C-2548	2 - 147A-2945
2 - 58A-2546	2 - 183A-3431	2 - 194A-500
2 - 194A-496	2 - 194A-501	2 - 183A-3425
2 - 183A-3426	2 - 194A-497	2 - 179A-1978
2 - 194A-498	2 - 179A-1977	2 - 207G-85
2 - 74-415	2 - 183A-3428	2 - 206C-198
2 - 183A-3422	2 - 183A-3427	2 - 183A-3430
1 - SUPV. TUMCON SPECIAL		
SKY:taf		
(62)		

Received on
10 for
5/17/85
oc

194A-499-14

[REDACTED]

PMW

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b7C

NY 163-1290

In addition, [redacted] advised that in investigation
entitled, "BRIBERY OF [redacted] ITAR-BRIBERY;
OO:NEWARK", both Newark and New York should submit weekly
teletypes.

b6
b7C

Date 4/23/85

☐ Birth ☐ Credit ☐ Criminal ☐ Death ☐ INS ☐ Marriage* ☐ Motor Vehicle ☐ Other _____
☒ Driver's License

To	<u>Radio Room</u>	Buded	<u>Expendite</u>
Return	<u>C-13</u>	File number	<u>194-A-4991</u>
Name of	applicant, or employee, and spouse		

William Masselli aka W. Pellegrino, Billy the Butcher

Addresses
Residence #2 Bronxville Rd, Bronxville, N.Y.
Business Pellegrino Masselli Meats inc 102 Bruckner Blvd.
Jopel Contracting & Trucking Co.

* Date and place of marriage
(if applicable)

Race	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Age	Height <u>5'7"</u>	Weight <u>175</u>	Hair <u>Gray (Bald)</u>	Eyes <u>Blue</u>
Birth date <u>6/26/26</u>	Birthplace <u>NY NY</u>					
Arrest Number <u>FBI 646-182C</u>	Fingerprint classification			Criminal specialty		
Specific information desired						Social Security Number

Results of check

* as of 9/17/81, pleaguitly to 2, 3 1/2 yrs counts
to be served consecutively at Fed. Pen. Tallahassee
Fla.

194A499-15

Received
on
Notary
5/17/88



pg 2

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b7C

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HEREIN IS UNCLASSIFIED
DATE 07-23-2010 BY 60324 UC BAW/SAB/LSC

QFBQ DGRF
PRI/.8 .NAME/MASSELLI, WILLIAM
.DOB/062626.SEX/M.

1 1006-1006 04/24/85 0405461 QFBQ30867
NYMV DGRF QFBQ 1006
GRPMASSELLI, WILLIAM 06/26/26M
MO-HIT

>

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 5/7/85

TO: ADIC, NEW YORK

FROM: SAC, NEWARK (194A-368) (RUC) (C-1)

BRIBERY-PERCY SUTTON;
 OO: NEW YORK

+ 1044154 NO 19400005
 + 10 1021663
 numbered...

Re: Bureau airtel to New York,
 dated 4/22/85.

Indices searches and subsequent file reviews
 were conducted at Newark for the principal targets in
 captioned matter, which were PERCY SUTTON, [REDACTED]
 [REDACTED]

b6
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Newark references relative to PERCY SUTTON
 were as follows:

Newark reference 182-2121 is a main case
 reference for an individual with the true name [REDACTED]

DOB: [REDACTED] POB: [REDACTED]

last known address [REDACTED]

This individual is a white male with
 FBI Number [REDACTED] It was determined that this
 reference is not identical to the PERCY SUTTON involved
 in captioned matter based on racial differences.

b6
b7C

2-New York
 1-Newark
 RWB/mrn
 (3)

AUTOMATIC SEARCH
 DATE

MAY 14 1985

194A-499-17

Approved: _____ Transmitted _____
 (Number) (Time)

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 14 1985	
FBI - NEW YORK	

b6
b7C

NK 194A-368

Newark reference 140-4674 is a main case reference on [REDACTED]. The case involved security of government employees and is captioned.

[REDACTED] IRS, DEPARTMENT OF THE TREASURY, NEW YORK, NY, SECURITY OF GOVERNMENT EMPLOYEES; BUDED: 4/16/65". The subject of this case [REDACTED] PERCY SUTTON. DOB: 11/24/20. POB: San Antonio, Texas. [REDACTED]

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The PERCY SUTTON named in that suit was described as a Captain in the U.S. AIR FORCE, Serial Number AO576442, Headquarters Squadron, MATS Headquarters, ANDREWS AIR FORCE BASE, Washington, D.C.

Insufficient identification data is available to Newark relative to the PERCY SUTTON in captioned matter to make a determination whether or not the PERCY SUTTON mentioned in this reference is identical.

Newark reference 94-282F-580 involves a reference to [REDACTED] a white male, who had been involved in gambling and hangs out in the area of [REDACTED]. Based on racial difference it is determined that this reference is not identical to the subject in captioned matter.

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[REDACTED] Newark has the following reference on [REDACTED]

b6
b7C

Reference is 92-374-3306. This reference identifies an organized crime photo file maintained by the Newark Office along with an LCN index. Attached to a memo explaining the photo file and the LCN index is an alphabetical current listing of all individuals represented in the organized crime photo file. Included among this list of names is the name [REDACTED] no further identifying data is associated with this or any of the other names on the list. Based on the lack of identifying data relative to [REDACTED] in this reference, it is not possible to make a determination whether or not this reference refers to the [REDACTED] who is a target in captioned matter.

b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

DATE: 5/6/85

TO : SAC II (TUMCON SPECIAL)
FROM : SA [REDACTED] (P) (TUMCON SPECIAL)
SUBJECT: TUMCON SPECIAL

b6
b7C

Reference telcall to FBIHQ Supv. [REDACTED] May 6, 1985.

b6
b7C

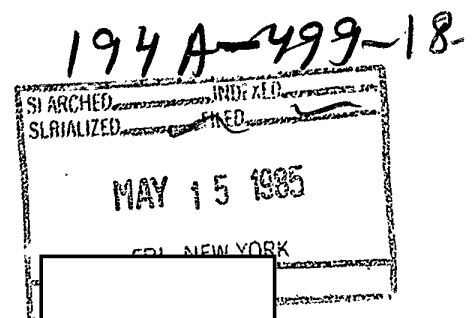
On May 6, 1985, this Agent telephonically contacted FBIHQ Supervisor [REDACTED] regarding a check of bureau indices. It was suggest that General, Elsur and Informant indices at the bureau be checked, on all relevant names, in all related TUMCON cases since investigation has already shown that other offices have had Title lll's, etc., on individuals in this matter.

b6
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[REDACTED] concurred and advised that all names to be checked should be sent via one teletype to his section, whereby he will arrange these checks.

b6
b7C

All agents who desire bureau indices checks should submit names to me by COB, May 9, 1985 for submission to the bureau.



b6
b7C

1 - 183A-3429	1 - 183A-3422	1 - 179A-1977	1 - 194A-501
1 - 183A-3424	1 - 58A-2547	1 - 183A-3428	1 - 194A-500
1 - 183A-3423	1 - 166A-4273	1 - 183A-3427	1 - 183A-3425
1 - 58A-2546	1 - 12A-932	① - 194A-499	1 - 179A-1978
1 - 194A-496	1 - 58C-2548	1 - 147A-2944	1 - 207G-85
1 - 183A-3426	1 - 183A-3431	1 - 147A-2946	1 - 206C-198
1 - 74-415	1 - 194A-497	1 - 147A-2945	1 - 183-3430
1 - 194A-498			
1 - Supv. TOMCON SPECIAL			

SKY:taf
(31)

FD-36 (Rev. 5-22-78)

FBI

20

TELETYPE

IMMEDIATE

UNCLAS

5/10/85

IMMEDIATE

NEW YORK (194A-499) (P) (TUMCON SPECIAL)

IMMEDIATE

DIRECTOR FBI () 0012

ATTN: SUPV. [REDACTED] ROOM 3036

ATTN: SUPV. [REDACTED] ROOM 3865

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU, MAY 3, 1985.

INDICES CHECK REGARDING PERCY SUTTON REVEALED LITTLE
INFORMATION OF VALUE. MOST REFERENCES WERE TO 183A-1290 - TUMCON,
WHICH THE BUREAU IS ALREADY AWARE OF. ADDITIONAL INFORMATION IS AS
FOLLOWS:

1 - New York 194-499
1 - Supervisor TUMCON SPECIAL
JAF:TAF110V4
(2)

194A-499 -19

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 16 1985	
FBI - NEW YORK	

[REDACTED] [Signature]

b6
b7C

Approved: [Signature] Transmitted 160 Per [Signature]

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: taf

NY 183-1014 - FD 302 DATED AUGUST 13, 1979, REVEALED SUTTON PURCHASED A FIFTY PERCENT SHARE OF THE AMSTERDAM NEWS COMPANY, (A BLACK NEWSPAPER IN NEW YORK).

NY 194-39 - SOURCE INFORMATION DATED NOVEMBER 6, 1978, REVEALED SUTTON TO BE GENERALLY OUT OF THE POLITICAL SCENE BECAUSE OF INCREASED INVOLVEMENT WITH AFRICAN COUNTRIES INTERESTS IN THE UNITED STATES. SUTTON KEEPS ADVISED OF POLITICAL MATTERS [REDACTED]

b6
b7C
b7D

A LIMITED REVIEW OF THE NEXIS SYSTEM SHOWED THAT PERCY SUTTON IS PRESENTLY THE HEAD OF THE NEW YORK BASED INNER CITY BROADCASTING CORPORATION.

ADDITIONAL GENERAL INFORMATION REGARDING PERCY SUTTON IS THAT HE IS A BLACK, MALE, DEMOCRATIC POLITICAL FIGURE FROM HARLEM. HE IS A FORMER MANHATTAN BOROUGH PRESIDENT AND A CURRENT DEMOCRATIC LEADER. IN THE LATE 1970'S SUTTON WAS AN UNSUCCESSFUL MAYORAL CANDIDATE IN NEW YORK CITY.

b3
b6
b7C

✓ INTERVIEW OF [REDACTED] IS BEING HELD IN ABEYANCE [REDACTED]
[REDACTED] A NEW YORK OFFICE TITLE 111. AN
ADMINISTRATIVE DECISION WILL BE MADE REGARDING [REDACTED] INTERVIEW IN
THE FUTURE.

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.13 (#4220)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/160

DATE: 11 MAY 85 00:12:37 EDT

CC:

TEXT: VZCZCNY0160

OO HQ

DE NY #0160 1302325

ZNY UUUUU

R 102243Z MAY 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: SUPV. [REDACTED] ROOM 3036

ATTN: SUPV. [REDACTED] ROOM 3865

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU, MAY 3, 1985.

INDICES CHECK REGARDING PERCY SUTTON REVEALED LITTLE
INFORMATION OF VALUE. MOST REFERENCES WERE TO 183A-1290 - TUMCON,
WHICH THE BUREAU IS ALREADY AWARE OF. ADDITIONAL INFORMATION IS AS
FOLLOWS:

b6
b7C

194A-499-19

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 16 1985	
FBI NEW YORK	
[REDACTED]	

PAGE TWO DE NY 0160 UNCLAS

NY 183-1014 - FD 302 DATED AUGUST 13, 1979, REVEALED SUTTON PURCHASED A FIFTY PERCENT SHARE OF THE AMSTERDAM NEWS COMPANY, (A BLACK NEWSPAPER IN NEW YORK).

NY 194-39 - SOURCE INFORMATION DATED NOVEMBER 6, 1978, REVEALED SUTTON TO BE GENERALLY OUT OF THE POLITICAL SCENE BECAUSE OF INCREASED INVOLVEMENT WITH AFRICAN COUNTRIES INTERESTS IN THE UNITED STATES. SUTTON KEEPS ADVISED OF POLITICAL MATTERS [REDACTED]

[REDACTED]

b6
b7C
b7D

A LIMITED REVIEW OF THE NEXIS SYSTEM SHOWED THAT PERCY SUTTON IS PRESENTLY THE HEAD OF THE NEW YORK BASED INNER CITY BROADCASTING CORPORATION.

ADDITIONAL GENERAL INFORMATION REGARDING PERCY SUTTON IS THAT HE IS A BLACK, MALE, DEMOCRATIC POLITICAL FIGURE FROM HARLEM. HE IS A FORMER MANHATTAN BOROUGH PRESIDENT AND A CURRENT DEMOCRATIC LEADER. IN THE LATE 1970'S SUTTON WAS AN UNSUCCESSFUL MAYORAL

PAGE THREE DE NY 0160 UNCLAS

CANDIDATE IN NEW YORK CITY.

INTERVIEW OF [REDACTED] IS BEING HELD IN OBEYANCE [REDACTED]

[REDACTED] A NEW YORK OFFICE TITLE 111. AN

ADMINISTRATIVE DECISION WILL BE MADE REGARDING [REDACTED] INTERVIEW IN
THE FUTURE.

b3
b6
b7C

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0160

NNNN

-----END OF DOCUMENT-----

10.86

FD-36 (rev. 5-22-78)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

FBI

TELETYPE

IMMEDIATE

UNCLAS

5/17/85

IMMEDIATE
NEW YORK (194A-499) (P) (TUMCON SPECIAL)
IMMEDIATE
DIRECTOR FBI () ()

ATTN: FBIHQ SUPV. [REDACTED]

ATTN: FBIHQ SUPV. [REDACTED]

ROOM 3865

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE BY TELETYPE TO DIRECTOR, DATED MAY 10, 1985.

NYO RECORDS CHECKS REGARDING [REDACTED] ARE COMPLETE.
RESULTS ARE AS FOLLOWS:

b6
b7C

GENERAL INDICES: TWO REFERENCES TO 183A-1290, TUMCON. ONE
REFERENCE TO 183A-2636, SUB V, SERIAL 11, PAGE TWO, OCTOBER, 1984.

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
RSW:TAF125V4
(2)

194A-499-20

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 21 1985	
FBI NEW YORK	

[REDACTED] [Signature]

b6
b7C

Approved: SPF/HJM Transmitted _____ Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [Signature]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

OUTBOX.13 (14999).

TO: HQ1 & SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/134

DATE: 17 MAY 85 21:27:00 EDT

CC:

TEXT: VJCZCNY0134

OO HQ

DE NY #0124 1872013

ZNY UUUUU

R 171934Z MAY 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: FBIHQ SUPV. [REDACTED]

ATTN: FBIHQ SUPV. [REDACTED] ROOM 3865

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b7C

BT

UNCLAS

BRIERY - PERCY BUTTON; CC:NY.

REFERENCE NY TELETYPE TO DIRECTOR, DATED MAY 10, 1985.

NYO RECORDS CHECKS REGARDING [REDACTED] ARE COMPLETE.

b6
b7C

RESULTS ARE AS FOLLOWS:

GENERAL INDICES: TWO REFERENCES TO 183A-1290, TUMCON, ONE.
REFERENCE TO 183A-2636, SUB V, SERIAL 11, PAGE TWO, OCTOBER, 1984.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

(Indicate page, name of
newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 5/22/85
Edition: New York Times
p. 3. METROPOLITAN REPORT

Title:

Character:
or

Classification:

Submitting Office: New York

Rangel Seeks F.B.I. Denial of Memo Accusing Him

By JANE PERLEZ

Representative Charles B. Rangel, Democrat of Manhattan, called on the Federal Bureau of Investigation yesterday to repudiate a memorandum that claims he received money in exchange for political favors.

The seven-year-old memorandum was made public Monday in State Supreme Court in the Bronx during a hearing on whether material gathered through Federal wiretaps should be admitted in the fraud and larceny case of the former Secretary of Labor, Raymond J. Donovan.

The memorandum, which did not name a source, said Mr. Rangel had shared payoffs for political favors with State Senator Joseph Galiber. And it identified a former Manhattan Assemblyman, George W. Miller, as the "bagman" for the two politicians.

Many news organizations carried the information, which was released in court, but The New York Times did not because the accusations were anonymous and the information could not be corroborated.

Mr. Rangel said yesterday that he had spoken to the director of the F.B.I., William H. Webster, who had indicated that the Congressman was not under investigation.

And Mr. Rangel said, the chairman of the House Subcommittee on Civil and Constitutional Rights, Representative Don Edwards of California, had agreed to hold hearings on F.B.I. procedures that allowed the release of uncorroborated material like the memorandum.

Mr. Rangel, a seven-term Represent-



The New York Times/Edward Hauser

Representative Charles B. Rangel at news conference yesterday outside the Bronx County Courthouse.

ative who holds a senior position on the House Ways and Means Committee, said that any proper investigation by the F.B.I. would have shown that he had never been a law partner of Mr. Miller, as the memo identifies him, and that the two men were political foes.

The Congressman said that he and Mr. Galiber had served concurrent terms in the State Assembly in the late

1960's, but that they had never had any business or professional relationship.

Mr. Galiber was indicted last September with Mr. Donovan and eight others on charges of larceny and fraud in connection with a New York City subway construction project awarded to the Schiavone Construction Company of Secaucus, N.J., of which Mr. Donovan is a co-owner. Mr. Galiber's lawyer, Stuart Schlesinger, called the memorandum "total fabrication."

Attempts to reach Mr. Miller at his office in Harlem and through other figures were unsuccessful.

Standing on the steps of the Bronx County Courthouse, Mr. Rangel said he was outraged that the F.B.I. could allow false allegations to remain uncorrected in a report for seven years and then permit the information to be made public.

"Charles Rangel," he said, "will get the F.B.I. to say that we made one big mistake when we said that there were New York reports indicating he was involved in corruption and we made the lulu of a mistake when they said the bagman was my law partner."

Mayor Koch, who has had heated political differences with Mr. Rangel, described the memorandum as a "gross injustice to Charlie Rangel."

Mr. Rangel said he had asked a lawyer to see whether it was possible for the memorandum introduced into the court to be corrected.

He said he had asked Mr. Webster under the Freedom of Information Act for all information in the F.B.I. file on the case, including notes, recordings and transcripts of wiretaps, that referred to him.

194A-499-2

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 22 1985	
FBI NEW YORK	

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b7C

FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

(Indicate page, name of
newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 5-22-85
Edition: N.Y. DAILY NEWS
Title: HIZZONER DEFENDS
RANGEL
Character:
or
Classification:
Submitting Office: NYO

Indexing:

See attached

194A-499-22

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 22 1985	
[Redacted Box]	

DRK
FBI/DOJ

b6
b7C

Hizzoner defends Rangel

By ALEX MICHELINI
City Hall Bureau Chief

Mayor Koch, a sometimes bitter foe of Rep. Charles Rangel, publicly defended the congressman yesterday. Koch called an FBI corruption memo on Rangel a "smear" and "a gross injustice."

In an interview with City Hall reporters, Koch conceded he and Rangel "differ occasionally." In fact, Rangel was among the leaders of a "Dump Koch" movement that led to the selection of Herman (Denny) Farrell as a mayoral candidate.

But the mayor condemned the FBI memo, which charged that Rangel received "substantial profits for legislative favors." He said it not only failed to disclose the source of the charges, but contained factual errors.

Koch called Rangel "an honest man" for whom he has "a very high regard... certainly for his integrity." He suggested that Rangel "will never be able to catch up with this smear."

TOLD OF Koch's comments, Rangel said, "That's kind of the mayor."

Koch questioned whether the 1978 memo should ever have been written without corroboration.

Daily News, Wednesday, May 22, 1985

p. 5.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-28-2010 BY 60324 UC BAW/SAB/LSC

(Mount Clipping in Space Below)

(Indicate page, name of
newspaper, city and state.)

Date: 5-21-85
Edition: N.Y. DAILY NEWS

Title: RANGEL NAMED IN '78
FBI MEMO

Character:
or
Classification:
Submitting Office:

NYO

Indexing:

See attached

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b7C

194A-499-23

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SERIALIZED	FILED
MAY 22 1965	
RK	

FBI/DOJ

Rangel named in '78 FBI memo

By PATRICE O'SHAUGHNESSY and FRANK LOMBARDI With James Harney

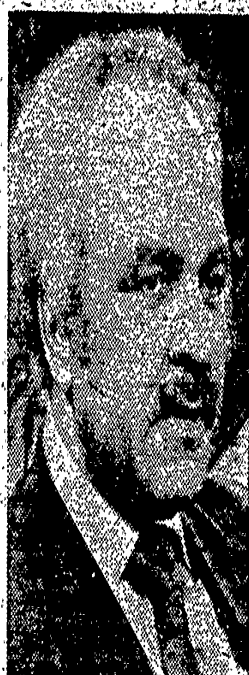
A 1978 FBI memo, disclosed in Bronx Supreme Court yesterday, accused Rep. Charles Rangel and State Sen. Joseph Galiber of sharing "substantial profits for legislative favors."

The internal memo cited unspecified "sources" of the New York office of the FBI as having identified former Assemblyman George Miller as the "bagman" for Galiber and Rangel. The FBI document said Miller was "reportedly a law partner of Rangel."

Both Rangel and Miller vehemently denied the accusations yesterday and said they have never been law partners.

Rangel, a Democrat who represents most of upper Manhattan, denounced the FBI memo as "a bungling error" and said he would request that the FBI clear his name.

Existence of the memo was revealed during a hearing



Memo, which surfaced yesterday during testimony involving former Labor Secretary Raymond Donovan (l.), accused State Sen. Joseph Galiber (c.) and Rep. Charles Rangel of sharing "substantial profits for legislative favors."

ing before Justice John Colins, who is reviewing the legality of wiretap evidence used in the Bronx probe that led to the indictment of former U.S. Labor Secretary Raymond Donovan last October.

Attorneys for Donovan and other defendants in the case are challenging the legality of electronic surveillance conducted by

the FBI in 1979 during a federal probe of reputed mobster Pellegrino William (Billy the Butcher) Masselli.

Some of the nearly 900 tapes gathered in that probe, which was code-named Operation Tumcon, later were used by Bronx prosecutors during their separate probe of Donovan in a fraud scheme involving a \$186 million subway tunnel construction contract.

Collins has ordered the FBI and other federal officials involved in the Tumcon probe to testify about their conduct during that investigation, which cost more than \$1 million and produced only a hijacking indictment of Masselli and some of his associates.

At yesterday's session, Robert Levinson, one of the principal FBI agents in the Tumcon probe, testified

about the background of the Masselli investigation. During the agent's testimony, he cited a memo he had sent in September 1978 to his superiors in Washington.

The 14-page memo said the probe was examining allegations of labor racketeering and political corruption, including Rangel's alleged involvement in an influence-peddling operation with Galiber and Miller.

GALIBER WAS indicted in the Donovan probe but not on charges involving his state Senate post. He could not be reached yesterday for comment on the memo. Neither Miller nor Rangel, the third-ranking member of the House Ways and Means Committee, has been mentioned previously in the Donovan case.

Miller, who served as an assemblyman from Harlem from 1970 until his defeat in a 1980 reelection bid, said, "I have no involvement with Charles Rangel or Joseph Galiber in any respect."

The memo cited no proof of the accusation against the three men other than that the charges were based on information from New York City office sources of various

Daily News, Tuesday, May 21, 1980

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

(Mount Clipping in Space Below)

Indicate page, name of
newspaper, city and state.)

Date: 5-22-85
Edition: NY DAILY NEWS

Title: RANGEL FUMES TO FBI:
PROVE IT

Character:
or
Classification:
Submitting Office: NYO

Indexing:

See attached

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194A-499-24

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 22 1985	
FBI/DOJ	

Rangel fumes to FBI: Prove it



Rep. Charles Rangel at the Bronx County Courthouse.

By PATRICE O'SHAUGHNESSY and FRANK LOMBARDI

Lashing out at an FBI memo that accused him of influence peddling, Rep. Charles Rangel yesterday demanded that FBI Director William Webster disclose the findings of any investigation the agency may have conducted into the charge.

Rangel also filed a Freedom of Information request with the FBI and called for a congressional probe of the agency's investigative procedures.

"The FBI should apologize and strike these statements from the record," Rangel said of the political corruption accusations contained in a 1978 memo pre-

pared by agents in the bureau's New York office.

The internal memo was made public Monday during a pretrial proceeding in the fraud-scheme case of former Labor Secretary Raymond Donovan and nine others.

THE 14-PAGE confidential document had been prepared by FBI agents to justify their probe in 1978 and 1979 of reputed Bronx mobster-Pellegrino William (Billy the Butcher) Masselli.

Among other matters under investigation, the agents cited information from unidentified FBI "sources" that Masselli's business partner, State Sen. Joseph Galiber (D-Bronx), was involved in the "sharing of substantial profits for legislative favors" with Rangel and former Harlem

Assemblyman George Miller.

All three have denied the accusation. And no charges have been brought as a result of the influence-peddling allegation.

Galiber and Masselli are among the defendants in the Donovan case. Rangel has never figured in that case.

"I WANT everything the FBI has as it relates to these false allegations," Rangel, a Harlem Democrat, told a press conference on the steps of the Bronx County Courthouse.

He said the FBI should not have released the memo without also publicly disclosing that the charge had been investigated and that nothing had come of it.

"Don't just leave a person hanging out there," he said. "This is one of the most

rotten things that's happened to me in 22 years that I've been in politics."

Rangel said he had no specific information he had been investigated and cleared.

"If they didn't have an investigation, then we ought to have a special prosecutor to take a look at the FBI," he said.

"CERTAINLY, if they didn't follow through with an investigation, somebody in the FBI is guilty of malfeasance, and if they did (investigate), the public has (a) right to know the outcome."

A press aide to Webster, Donna Gibson, said the ongoing Donovan case prohibited "discussion of the issue." She said that the FBI has many types of sources and that the mention of someone's name by such a source "doesn't imply guilt."

Rangel, however, said he considered a "no comment" from the FBI "the cheapest, most cowardly thing that you can do to" someone's reputation.

2011-11-22 News May 22, 1985

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

Indicate page, name of
newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 5-21-85
Edition: NEWARK STAR LEDGER
Title: LAWMAKER DENOUNCES
FBI MEMO
Character:
or
Classification:
Submitting Office: NYO

Indexing:

See attached

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194A-499

SEARCHED	INDEXED
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MAY 22 1985	
FBI NEW YORK	

FBI/DOJ

Lawmaker assails FBI on 'graft' memo

Continued from Page One

ing to Bronx District Attorney Mario Merola, incriminating statements regarding a subcontracting firm owned by Masselli and state Sen. Joseph Galiber (D-Bronx). Jopel Trucking Co. was awarded a \$12.4 million subcontract by Donovan's former firm, Schiavone Construction Co. of Secaucus.

Donovan, Galiber, Masselli and six Schiavone officers are accused of defrauding the New York City Transit Authority out of \$7.4 million by setting up Jopel as a minority firm to circumvent federal rules requiring that 10 percent of the work on federally funded construction jobs go to minority businesses.

Levinson's memo, prepared to justify a major probe of Masselli, said "sources" told the bureau that Galiber "is presently involved with Rangel in the sharing of substantial profits for legislative favors," and identified their alleged "bagman" as former New York Assemblyman George Miller, "who is reportedly a law partner of Rangel."

A furious Rangel yesterday said "a simple phone call would have told the FBI that Mr. Miller was never my law partner and, in fact, I haven't had a law practice for over 10 years."

Rangel said he called FBI Director William Webster, adding that Webster was "very sympathetic to my situation." However, Rangel said Webster noted that the document was subpoenaed for the Donovan hearing and that the FBI had no control over its release.

The congressman said Rodino told him "the matter (of the release of un-

substantiated charges) will be brought before the Judiciary Committee," chaired by the New Jersey congressman.

Rangel, who also yesterday requested all information about him in FBI files, under the Freedom of Information Act, said he wanted "the FBI to retract the statement... and to have agent Levinson apologize for gross incompetence, and to make certain that this type of injustice is not perpetrated again."

Levinson yesterday underwent rigorous cross-examination by Masselli's lawyer, John Iannuzzi, who repeatedly suggested that Levinson sought the electronic eavesdropping in 1979 to gather intelligence on organized crime activities.

When Justice Department attorneys initially applied for the wiretap order in January 1979, they produced an FBI affidavit written by Levinson's superior that said the prime focus of the probe was hijacking.

However, in Levinson's September 1978 memo, he listed labor racketeering, political corruption, shylocking, narcotics and police corruption as the main thrusts of the investigation.

The defense is trying to show that the FBI "deceived" not only the judge but the federal prosecutor who obtained the wiretap order.

The FBI has acknowledged that its key informant at the time, Michael Orlando, was unknown to the FBI affidavit writer and the U.S. assistant attorney who obtained the wiretap order and renewal orders for seven months.

Lawmaker denounces FBI memo

By TIM O'BRIEN

NEW YORK—Rep. Charles Rangel (D-N.Y.) yesterday angrily denounced the FBI for suggesting in a top secret 1978 memo, released during the larceny case against former Labor Secretary Raymond Donovan, that Rangel was involved in corrupt dealings.

Rangel, who represents Harlem, said at a news conference on the steps of the Bronx County Courthouse that he has received a commitment from Rep. Peter Rodino (D-10th Dist.) to hold a House Judiciary Committee hearing on FBI tactics.

Rangel's name surfaced Monday in an internal FBI memo that was released by New York Supreme Court Justice John Collins during a hearing on the Donovan case, which continued yesterday.

The 14-page memo, written in September 1978 by FBI agent Robert Levinson, outlined a host of suspected crimes by several mobsters, including William Masselli, a co-defendant with Donovan in the Bronx larceny case. The memo was turned over to the court at the request of the Donovan defense team, which is trying to prove FBI illegalities in obtaining court approval to wiretap Masselli's Bronx warehouse and is seeking to have the evidence ruled inadmissible.

The so-called "Tumco" tapes that resulted from the taps contain records

Please turn to Page 16

NEWARK STAR LEDGER

5-21-85

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(Indicate page, name of
newspaper, city and state.)

Date: 5-21-85
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NEWARK STAR LEDGER
Title: TESTIMONY DIFFERS ON
KEY DONOVAN WITNESS
Character:
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Classification:
Submitting Office: NYO

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See attached

194A-499-26

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FBI/DOJ

Testimony differs on key Donovan witness

By TIM O'BRIEN

FBI agent contradicts U.S. attorney in hearing on admissibility of tapes

NEW YORK—An FBI agent yesterday contradicted the former U.S. attorney for the southern district of New York on the handling of an FBI informant who is now a key witness in the Bronx larceny case against former Labor Secretary Raymond Donovan.

Special Agent Robert Levinson, testifying as the leadoff witness in a hearing to determine the admissibility of 1979 FBI tapes the prosecution wants to use against Donovan, said he told Robert Fiske about the continuing criminal activities of Michael Orlando while Orlando was a paid informant for the bureau.

Fiske, however, denied in an affidavit that Levinson told him about the problems the FBI was having with Orlando in 1979 when the government was investigating mob soldier William Masselli.

Levinson's testimony, along with a top-secret 1978 FBI memo never before revealed, highlighted the unusual hearing before state Supreme Court Justice John Collins. Collins, at the request of the Donovan defense team, called the hearing to decide whether the FBI "hoodwinked" a federal judge in 1979 when it obtained court approval to wiretap Masselli's meat-packing warehouse in the Bronx for seven months.

Bronx District Attorney Mario Merola has said excerpts from those tapes are crucial to his efforts to prove the larceny and fraud charges against Schiavone Construction Co. of Secaucus and six Schiavone officers.

Donovan, who was executive vice president of Schiavone before joining President Reagan's Cabinet in 1980, was indicted for his role in the alleged scheme to steal \$7.4 million from the New York City Transit Authority between 1978 and 1984.

Schiavone is accused of using a subcontractor, Jopel Trucking Co., owned by Masselli and state Sen. Jo-

seph Galiber (D-Bronx), to circumvent federal law requiring that 10 percent of the work on federally funded construction jobs go to minority contractors. Galiber is black.

Levinson and fellow agent Lawrence Sweeney were the control agents for informant Orlando in 1978 and 1979, when Orlando was working in Masselli's warehouse and was a mob associate of Masselli.

Orlando's assistance helped to convict Masselli and others of hijacking and drug charges in 1981. However, Orlando was also prosecuted and jailed after the FBI labeled him a "double-dealer" because he never stopped participating in crimes.

Yesterday, Levinson detailed how Orlando, while working undercover, was found by the secret FBI bugs to be taking part not only in hijackings, but in a huge scheme with Masselli to manufacture synthetic cocaine.

Levinson testified that in an April 1979 meeting, he informed Fiske and FBI New York Director Neil Welch that Orlando had been detected participating in hijackings and in the synthetic cocaine scheme. However, Fiske said in late March that he was never advised of Orlando's double-dealing.

At issue is whether Levinson and Sweeney illegally deceived their FBI superior and the Justice Department lawyers, including Fiske, in not telling them of Orlando's true identity or of his criminal participation.

Levinson said Orlando, whom he called a "dynamite informant," and the information developed from the tapes produced information leading to 30 potential prosecutions, including murder, drug deals, political corruption and

labor racketeering.

However, FBI records show that most of those 30 cases were never developed, primarily because Levinson and Sweeney had promised Orlando that no case would be prosecuted if the action threatened to reveal his identity.

The FBI's handling of the Orlando matter, and its handling of the so-called "Tumcon" tapes from the warehouse, are the subject of three internal bureau probes, including one described by government memos as a "criminal investigation."

Levinson has received immunity from the government for the statement on the Orlando case he has given to the bureau. He and Sweeney, who has also received immunity, have retained former Chief Abscam Prosecutor Thomas Puccio as their attorney.

The Schiavone defense is arguing that the "deception" by the FBI makes the "Tumcon" tapes inadmissible in the larceny case.

"Tumcon" stood for "Tuminaro conspiracy." Angelo Tuminaro, the mastermind of the "French Connection" heroin import ring who remains at large, was the key target of the electronic eavesdropping in 1979.

According to the secret FBI memo of Sept. 15, 1978, released yesterday, Tuminaro was gearing up to resurrect the French Connection operation, and was planning, with Masselli and others, to import 150 kilograms of heroin.

Masselli was identified in the memo as a "front man" for Louis Cirillo, a mobster described by the FBI as "the largest single importer and distributor of heroin in the USA between 1969 and 1972."

New York state Sen. Galiber was accused in the memo of being "involved with (Rep. Charles) Rangel (D-N.Y.) in the sharing of substantial profits for legislative favors," with their alleged "bagman" identified as ex-New York state Assemblyman George Miller (D-Manhattan).

Rangel vehemently denied the accusation when reached in Washington yesterday.

The memo said that Galiber, while being prosecuted for fraud in 1976, convinced Masselli, who was a government witness, to "perjure himself for Galiber" in return for "leaving the door open" for Masselli and his friends at the statehouse.

Galiber, the memo continued, "benefited from his association with the La Cosa Nostra," and introduced a bill for the mob in 1978 that lessened the controls available to the state Parole Board in supervising 20 mob members, including a convicted murderer. The FBI memo said Galiber's bill was set to pass in the state Assembly "with votes literally purchased by Galiber with LCN money."

Galiber was unavailable for comment.

The memo said the FBI believed that Salvatore (Sally Bugs) Briguglio was rubbed out in 1978 because he tried to muscle in on two New York City unions controlled by Tuminaro. Briguglio, a business agent for Teamsters Local 560 in Union City and an associate of Teamster boss Anthony (Tony Pro) Provenzano, was shot in March 1978 on Manhattan's Mulberry Street, "50 feet south of the Tuminaro-controlled Andrea Dora Social Club," the memo noted.

Masselli, the memo said, was about to become a "made" member of the Genovese crime family and was involved in a number of criminal activities in addition to his hijacking and drug ventures.

(Mount Clipping in Space Below)

STAR LEDGER 5/23/85

FBI agent admits key information was withheld from wiretap request

By TIM O'BRIEN

NEW YORK—An FBI agent testified yesterday that a wiretap installed by the bureau in 1979 was based on a defective affidavit that withheld critical information from the judge who approved the wiretap order.

Robert Levinson, testifying in the Bronx at a hearing on the larceny case against former Labor Secretary Raymond Donovan, was grilled for several hours on his role in the 1979 "Tumcon" investigation.

The Tumcon probe—named for drug kingpin Angelo Tummaro, the target of the FBI investigation—resulted in 1,900 hours of tape recordings from the Bronx meat plant of admitted mob soldier William Masselli. Masselli, now serving time on drug and hijacking charges, is a co-defendant with Donovan in the larceny case, and Bronx District Attorney Mario Merola wants to use excerpts from the tapes to prosecute Donovan and nine other defendants.

But attorneys for Donovan, Masselli and six officers of Donovan's old contracting firm, Schiavone Construction Co. of Secaucus, argue that the tapes are inadmissible because the FBI "deceived" the federal judge who approved the electronic eavesdropping application.

Levinson acknowledged that the affidavit submitted by FBI agent Benjamin Purser in January 1979 was "incorrect" in several respects.

First, Levinson said under cross-examination by defense attorneys John Iannuzzi of Manhattan and Theodore Wells of Roseland, the initial affidavit did not disclose that the FBI had an informant "inside" Masselli's warehouse. The informant, Michael Orlando, a mob associate, was being paid \$500 a week to help the bureau develop organized crime cases relating to Masselli.

Second, Levinson acknowledged that while the affidavit stated that three hijacked trucks were arriving at the warehouse each month, the FBI knew from its own surveillance that there had been only one hijacked truck at the warehouse in the four months immediately before the affidavit was filed. Levinson explained that the three-a-month estimate was provided by Orlando, who was then known only to Levinson and his partner, FBI agent Lawrence Sweeney.

Third, Purser's affidavit did not reveal that the FBI had been conducting physical surveillance at the warehouse for months. The defense claims that the wiretap was unnecessary, and therefore illegal, because the agents had alternative means of gathering hijacking evidence, specifically Orlando's information coupled with a sophisticated surveillance operation.

Fourth, later applications for wiretap renewal were accompanied by affidavits that listed as one reason for continuing the bugging the need to learn the identity of a voice on the tapes described only as "Mike." Levinson acknowledged that when Orlando was heard on the wiretap he recorded entries on his log sheet listing "Mike LNU" for "last name unknown."

Levinson said this was necessary to protect the identity of Orlando, explaining that he and Sweeney had promised Orlando complete protection, even to the point of dropping prosecutions rather than compromising his identity.

Orlando, described by Masselli on the tapes as a "bad kid" who had killed at least 15 people, was later labeled a "double-dealer" by the government, which in 1981 prosecuted him along with Masselli.

Levinson, a nine-year veteran of the bureau who is testifying under a grant of immunity, also acknowledged

that he did not want a wiretap, but that his superiors did.

In a January statement to the bureau, Levinson said that shortly after he was assigned to the Tumcon squad in September 1978, his boss, special agent Ted Foley of the New York office, "came to me and said the division needed a Title 3 (wiretap) for a good organized crime case to develop organized crime intelligence."

Yesterday Levinson denied making that statement, but then acknowledged making it after being shown the January document.

Wells and Iannuzzi also pointed to earlier Levinson statements in which the agent was quoted as saying that the FBI's New York office "was crying out for organized crime information" in 1978.

The defense contends that the FBI, for purposes of obtaining the wiretap, said in its initial affidavit that it was investigating hijacking, when in fact the bureau wanted the bugging approved to explore a host of mob-related activity, including political corruption, labor racketeering, drugs and shylocking.

Much of the testimony involved the first observed hijacking on Nov. 30, 1978, an incident on which the FBI relied to prepare its initial wiretap affidavit. Orlando told his contact agents that he was not involved with that hijacking, although in early 1979 the tapes revealed that he was involved in two hijackings and a huge cocaine deal.

Orlando's continuing criminal activity, against the orders of his FBI superiors, caused the bureau significant internal problems over how to handle him; documents show.

Masselli, trading as Jopel Trucking Co., was a subcontractor to Schiavone on a \$186 million subway tunnel job in Manhattan from 1977 through 1984. The present indictment accuses Donovan, Schiavone and Jopel officers of stealing \$7.4 million from the city through a complicated accounting scheme under which construction payments were allegedly passed through Jopel back to Schiavone.

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NEWARK, N.J.

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FBI memo angers Rangel, Galiber

By MITCHELL LANDSBERG
Associated Press

An internal FBI memorandum alleging Rep. Charles Rangel and state Sen. Joseph Galiber accepted payoffs for political favors was "unprofessional," "incompetent" and "inaccurate," Rangel has charged.

"What right has the FBI, on incompetent, bad data, to hold information for eight years and then release it in a courtroom?" Rangel demanded at a news conference yesterday. "It's wrong for anyone to do it, but it's especially wrong for the Federal Bureau of Investigation to do it."

The memo that sparked Rangel's ire was introduced as evidence Monday in a court hearing to determine whether the FBI can admit electronic surveillance records in its fraud case against former Labor Secretary Raymond Donovan and others.

The report by FBI agent Robert Levinson described Rangel as "one of New York City's most powerful and influential black politicians" and quoted an unidentified source as saying Rangel and Galiber shared substantial profits for legisla-

...tary favors.
Galiber is a codefendant in the Donovan case.

The memo went on to say their bagman has been identified as former New York state Assemblyman George W. Miller, who is reportedly a law partner of Congressman Rangel.

Rangel, a Harlem Democrat, said he never had business dealings with Galiber and had never been a law partner of Miller.

Rangel said he complained about the memorandum to FBI Director William Webster, who said the agency had no control over the release of the memo since it was requested by defense lawyers and ordered into evidence by the court.

Rangel said the FBI either should have stricken his name from the report, stipulated the references to him were inaccurate or backed up the allegations with facts.

Rangel was checking with his lawyer to see whether a motion can be made to have his name stricken from the report and has filed a request under the Freedom of Information Act for all material about him in connection with the memorandum.

Date: STATEN ISLAND ADVANCE
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Rangel also said he had spoken to Rep. Peter Rodino, D-N.J., chairman of the House Judiciary Committee, and Rep. Don Edwards, D-Calif., who chairs the Judiciary subcommittee on constitutional affairs. They agreed to hold hearings about the memorandum "to make certain that this doesn't happen to anyone else," Rangel said.

He said he had been "given assurances that I'm not under investigation."

"It's a pretty bad world that we live in that public officials — especially those described as powerful and influential — can be charged with receiving corrupt money through law partners, and then they say that you're not under investigation."

"If I'm not under investigation, why not? And if I'm not under investigation, why in the heck did they issue those lying reports?" he asked.

Rangel said he did not object to the FBI checking out its source's allegation, but did object to the way the material was handled.

"I'm not prepared to be critical of them except to the extent that it was unprofessional, that it was incompetent reporting, that they knew it was inaccurate when they released it and... if they didn't follow through with an investigation, somebody in the FBI is guilty of malfeasance," he said. "And if they did investigate, the public had a right to know."

Levinson testified Monday he prepared the report in 1978 as part of a bureau investigation of the activities of William Masselli, a Bronx businessman and reputed Genovese crime family member, who is a co-defendant with Donovan.

Levinson continued his testimony yesterday under questioning by defense lawyer John Nicholas Iannuzzi.

Iannuzzi is trying to show the FBI did not need to use electronic surveillance to get information about Masselli, and that it withheld information in its request for court authority to conduct surveillance.

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The STAR Ledger

NewARK, N.J.

Friday
May 24, 1985

Date: 5/24/85
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New York

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FBI agent grilled on wiretap

By TIM O'BRIEN

NEW YORK—The FBI's handling of its 1979 "Tumcon" investigation continued to undergo rigorous scrutiny yesterday by defense attorneys for former Labor Secretary Raymond Donovan and his old contracting partners.

Testimony by FBI agent Robert Levinson, coupled with internal FBI documents admitted into evidence, disclosed that the bureau has been conducting its own investigation to determine if its agents acted illegally in pursuing mob activity through the use of a wiretap.

The documents reveal that in late 1978 the FBI's New York office believed that it was about to crack several major operations of La Cosa Nostra, including a "new French Connection" heroin ring headed by fugitive Angelo Tuminaro, the mastermind of the infamous 1962 narcotics import ring "Tumcon" stood for "Tuminaro conspiracy."

The excitement was caused by informant Michael Orlando, who was described as the "right-hand man" of mobster Peter Corso, a convicted drug trafficker allegedly working with Tuminaro to resurrect the French Connection operation.

Orlando was also an associate of William Masselli, a Bronx mobster about to become a "made member" of the Gravano crime family. Orlando, according to FBI memos, told Levinson that if you wired up that place (Masselli's meat warehouse) you would have the key to organized crime.

Levinson described Orlando as "one hell of an informant" to his superiors, one of whom said Levinson was "obsessed" with making a major organized crime case based on Orlando's information.

The Donovan defense team is arguing before a Bronx judge that the Tumcon tapes from the warehouse should be suppressed because the FBI deceived both the U.S. attorneys who applied for the wiretap and the federal judge who granted the electronic eavesdropping application and several renewal applications during the first half of 1979.

Bronx District Attorney Mario Merola intends to use excerpts from the tapes to try to prove that Masselli and state Sen. Joseph Galiber (D-Bronx) conspired with executives from Schiavone Construction Co. of Secaucus to defraud New York City on a Manhattan subway project begun in the late 1970s. Masselli and Galiber, who is black, formed Jopel Trucking Co., which was given a \$12.4 million subcontract as a minority business by Schiavone.

Donovan, who was vice president of Schiavone before going to Washington, attended yesterday's hearing. He resigned in April after the judge refused to throw the case out.

Under a grueling cross-examination by Theodore Wells of Roseland, Levinson detailed how he and his partner, FBI agent Lawrence Sweeney, gradually informed their superiors in the New York office of Orlando's role, and ultimately his identity. Levinson, for instance, acknowledged that Orlando, while working undercover at the warehouse, created problems for the bureau because he engaged in hijackings as well as in a scheme to produce \$100 million worth of synthetic cocaine.

Wells tried to show that Orlando was also a participant in the plan with Tuminaro to restart the French Connection operation. However, Levinson said he was not convinced that Orlando was anything more than an observer in the Tuminaro drug scheme.

Wells argued before the judge that the FBI, including several top superiors, deliberately withheld critical information about Orlando and the nature of the probe from the Justice Department lawyers who were obtaining the wiretap. He contended that because Levinson believed he had a source with the potential to be more valuable than (mob informant) Joseph Valachi, he violated the federal wiretap rules.

Wells and other defense attorneys charge that the initial wiretap was obtained on the strength of a hijacking investigation when in fact the FBI really wanted the wiretap for a far wider probe of organized crime.

Defense attorney Raymond A. Brown Jr. of Newark told the court that a key FBI log sheet from the wiretap monitoring was missing from the documents turned over by the U.S. Attorney's Office in New York. Brown said the log sheet in question is one that lists Orlando as "Mike LNU" (last name unknown).

The attorneys argued that Levinson "intentionally deceived" the Justice Department lawyers by not telling them that they knew the identity of the voice on the tape referred to as "Mike." They argued that had the federal judge known that the FBI had an informant on the inside who was providing the bureau with the vital facts about the crimes being committed, the judge would not have issued his wiretap order.

To support the defense contention that hijacking was not the FBI's prime interest, Wells cited Levinson's earlier statements that he was trying to build a major organized crime case. Levinson said it would be better "to let Tuminaro escape again rather than divulge the source, as the information obtained would be invaluable." In fact, Orlando went to Florida in late 1978 to meet Tuminaro, who was "dressed as a little old lady in black," to make sure he was not captured.

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5/23/85

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NEW YORK (58A-2547) (P) TUMCON SPECIAL
PRIORITY
DIRECTOR FBI ()

ATTN: FBIHQ SUPERVISOR
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REFERENCE TELEPHONE CALL TO FEDERAL BUREAU OF INVESTIGATION
HEADQUARTERS (FBIHQ) SUPERVISOR [REDACTED] FROM NEW YORK
SPECIAL AGENT [REDACTED] ON MAY 6, 1985.

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FOR INFORMATION OF THE BUREAU, THE FOLLOWING NAMES ARE BEING
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1 - New York (183A-3424)	1 - New York (183A-3431)
1 - New York (183A-3423)	1 - New York (194A-501)
1 - New York (58A-2546)	1 - New York (194A-497)
1 - New York (194A-496)	1 - New York (179A-1977)
1 - New York (183A-3426)	1 - New York (183A-3428)
1 - New York (194A-498)	1 - New York (183A-3427)
1 - New York (74-415)	1 - New York (194A-499)
1 - New York (183A-3422)	1 - New York (147A-2944)
1 - New York (166A-4273)	1 - New York (147A-2946)
1 - New York (179A-1978)	1 - New York (206C-198)
1 - New York (207G-85)	1 - New York (183A-3430)
1 - Supervisor TUMCON SPECIAL	1 - New York (147A-2945)
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INVESTIGATIONS WHICH INVOLVE THE BELOW LISTED INDIVIDUALS.
SUPERVISOR [REDACTED] ADVISED THAT HE WOULD COORDINATE THE INDICES
CHECKS. THE NAMES ARE AS FOLLOWS:

NAME	DATE OF BIRTH
JOHN GREGORY ARDITO	OCTOBER 28, 1919
JOSEPH H. ZINGARO	OCTOBER 18, 1912
JOSEPH IPPOLITO	DECEMBER 28, 1916
[REDACTED]	
JOHN W. JENNINGS	SEPTEMBER 10, 1915
[REDACTED]	

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[REDACTED]
PASQUALE PAGANO

[REDACTED]
WILLIAM PELLEGRINO MASSELLI

JUNE 26, 1926

[REDACTED]
PERCY SUTTON
MARIO BIAGGI

OCTOBER 26, 1917
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THE BUREAU IS REQUESTED TO SEARCH THE ABOVE LISTED NAMES THROUGH GENERAL, ELSUR, AND CONFIDENTIAL INFORMANT INDICES AND PROVIDE NEW YORK OFFICE WITH ONLY POSITIVE IDENTIFICATIONS. CONTACT AGENT FOR NEW YORK IN THIS MATTER IS SPECIAL AGENT

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BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NY TELETYPE TO DIRECTOR, DATED MAY 17, 1985.

CASE AGENT HAS BEEN TEMPORARILY ASSIGNED TO ASSIST THE
INVESTIGATION OF NY 183A-3422; BRIBERY OF [REDACTED]

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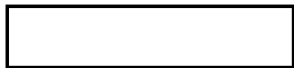
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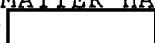
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INVESTIGATION CONTINUING AT NEW YORK.

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From: ny @ SAMNET-EMH

Subject: IMMEDIATE/169

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BRIBERY - PERCY SUTTON; OO:NY.

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ALSO BEEN HELPED [REDACTED] CURREN

[REDACTED] SOURCE ALSO ADVISED OF [REDACTED]

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BECAUSE OF THIS, [REDACTED]

[REDACTED] HE ALSO ADVISED OF
ARRANGING ANY KIND OF [REDACTED]

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[REDACTED] IS INVOLVED IN THE
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SUTTON, WHO IS TEMPORARILY OUT OF THE
POLITICAL FIELD BECAUSE OF BEING INVOLVED IN
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HERE IN THE US. HOWEVER, SUTTON KEEPS IN
CONTACT WITH POLITICAL SCENES [REDACTED]

[REDACTED] SOURCE MENTIONS [REDACTED]

~~CONFIDENTIAL - INTELLIGENCE INFORMATION - DO NOT DIS~~

[REDACTED] IS ALSO MENTIONED RE BEING KNOWN IN THE
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HAVING MUCH KNOWLEDGE ABOUT HIM.

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ID RECORD REQUEST W/TRANS UNION CREDIT
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STATUS 13,4,,,13

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(Indicate page, name of newspaper, city and state.)

THE STAR-LEDGER, P.2.
NEWARK, N.J.

5/30/85

Date:
Edition:

Title:

Character:
or

Classification:

Submitting Office: New York

194A-499-39

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FBI/DOJ

pgu

Defense allowed wider inquiry on FBI wiretap

By TIM O'BRIEN

NEW YORK—Defense attorneys in the larceny case against former Labor Secretary Raymond Donovan won the right yesterday to press their claim that there was "a pattern of intentional deception" in a 1979 FBI wiretap probe of the mob.

State Supreme Court Justice John Collins said the defense lawyers could develop circumstantial evidence in their efforts to show the motives of agents who allegedly "hoodwinked" a federal judge in obtaining the wiretap.

The ruling allowed Newark attorney Raymond M. Brown to grill FBI agent Robert Levinson on his handling of wiretaps at a mobster's Bronx warehouse and the bureau's actions in protecting FBI informant Michael Orlando.

Levinson, testifying for a sixth day, acknowledged that the FBI agent and federal prosecutor who secured the court order for electronic eavesdropping were unaware that Orlando was functioning as an undercover informant, and were unaware that Orlando was participating in the crimes being probed.

Levinson defended his actions,

Agent saw 'moral obligation' to conceal role of informant

saying he told FBI Supervisor James Moody of the New York office that the informant was overheard discussing drug deals. Levinson testified that once he "informed the FBI through channels," he had discharged his obligation.

Brown, representing one of the officers of Donovan's former contracting firm, Schiavone Construction Co. of Secaucus, pressed Levinson, asking, "What did you do to see that that information about Orlando's participation went up the chain to the Justice Department and the judge" who ultimately approved seven months of wiretaps?

"I did what I was supposed to do," Levinson replied.

Brown asked, "Did any FBI supervisor, from (FBI Director William) Webster on down, tell you that you can violate a court order in order to protect your source?"

"No, sir, but I had a moral obligation not to put his name down" on the log sheets recording the taped conver-

sations, Levinson said, adding, "If he had been identified, he could have been killed."

Brown argued that because Orlando's participation in two recorded conversations regarding a plot to manufacture synthetic cocaine was not reflected on the FBI log sheets, the agents were engaging in "a pattern of intentional deception" against the judge, who was receiving copies of the logs.

Brown further noted that some logs were missing or have not been handed over by the federal government, while one log of a taped discussion involving Orlando's role in the drug deal was cut off before the tape stopped recording.

According to one of the FBI affidavits used to support the government's request for a wiretap extension, the FBI "could not penetrate (William) Masselli's operation... through normal investigative means." Brown, though, pointed out that the government had

Orlando "on the inside," and argued that a wiretap was unnecessary and illegal because the FBI in fact did have alternative investigative means.

Collins asked Levinson, "Did you feel called upon to bring it (the affidavit) to the attention of anyone?"

"I believe it's a true statement," said Levinson, who has repeatedly explained that he and his partner promised Orlando complete anonymity, even to the point of dropping prosecutions to protect him.

Brown contended that the affidavit was a "half-truth."

On another issue, Collins rejected a request by the defense that the federal government be forced to turn over information on a second informant involved in the 1979 probe of Masselli. Collins said the request represented nothing more than "a fishing expedition."

Masselli is a co-defendant with Donovan and his old contracting partners who were indicted last fall for allegedly conspiring to defraud New York City out of \$7.4 million on a Manhattan subway construction job in which Masselli was a Schiavone subcontractor.

Date 5.6.85

Social Security Account #

Address

Birth Date

Birthplace	
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Race	
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Sex
☐ Male
☐ Female

- ☐ Exact Spelling ☐ Main Criminal Case Files Only ☐ Restrict Locality of _____
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Date _____

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Date _____

File Review Symbols

I - Identical
NI - Not identical

? - Not identifiable
U - Unavailable reference

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SUPERVISOR: TUCAM Special

DATE: 07/03/1985

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RESULT OF ☐ SEARCH:

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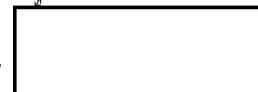
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ONLY REMOVE COVERSHEET BEFORE FILING IN SUBSTANTIVE FILE....

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Date 5.6.85

PERCY SUTTON

Social Security Account #	
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Aliases

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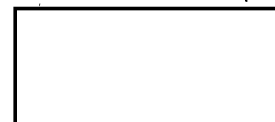
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ONLY REMOVE COVERSHEET BEFORE FILING IN SUBSTANTIVE FILE....

194A-499-42

MAY 30 1985



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(Indicate page, name of newspaper, city and state.)

Newsday, Long Island, NY

Date: 5/29/85
Edition:

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Title:

Character:

or

Classification:

Submitting Office:

New York

194A-499-4/3

SEARCHED
SERIALIZED

MAY 30 1985

FBI/DOJ

Agent Says FBI Misled Judge on Wiretap

By Rita Ciolli

Newsday Washington Bureau

Bronx — An FBI agent testified yesterday that he knew in 1979 that a federal judge authorizing wiretaps in an organized-crime probe had not been told an FBI informant was deeply involved in the crimes being investigated.

The testimony, given during a pre-trial hearing in the subway tunnel fraud case against former Labor Secretary Raymond Donovan and others, provides the first direct support for defense charges that the FBI misled the court in order to continue electronic surveillance of a Bronx meat packing plant.

"I was acting under instructions to protect the identity of an informant," said Ronald Levinson, one of two FBI agents in charge of the informant, Michael Orlando.

Under heated cross examination by defense attorney Theodore Wells, Levinson conceded that the information provided to federal judge Henry Werker was inaccurate.

"If you want to call it false, it was false," Levinson said. "I would not call it false. It was incorrect," he added. The judge, now deceased, authorized a bugging device and taps of four telephone lines from January to July, 1979, at the meat warehouse run by William Masselli.

State Supreme Court Judge John Collins refused to allow Wells to ques-

duct was in violation of the Attorney General's strict guidelines on the handling of informants. However, in his testimony last week Levinson acknowledged that he was one of several agents who had been given criminal warnings in a highly unusual FBI internal inquiry on the handling of this case.

While the wiretap was in place, Orlando was receiving \$500 a week cash from the FBI, according to agency files.

Levinson also testified yesterday that the agent with primary responsibility for Orlando, Lawrence Sweeney of the FBI's Hauppauge office, helped Orlando receive rewards from a trucking association for tipping law enforcement authorities about hijacking drops and fences. Sources familiar with the case placed the size of the rewards at \$2,000. Levinson admitted that during the wiretap, Orlando was involved in the receipt of hijacked shrimp and cheese;

carried a weapon in another hijacking of batteries; was involved in a conspiracy to provide chemicals to make a synthetic cocaine and participated in an armed robbery of a Staten Island home.

It was after the FBI learned through their own wiretap — of Orlando's involvement in the Staten Island crime that the agency let the eavesdropping order expire without seeking renewal.

Date 5-6-85

PERCY SUTTON

Social Security Account #	
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Aliases

Address

Birth Date

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☐ Male
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- ☐ Exact Spelling
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Squad	Player	Goals	Assists	Minutes	Yellow Cards	Red Cards
Aston Villa	Striker	12	5	1,200	2	0
	Midfielder	8	10	1,100	3	0
	Defender	3	2	1,000	1	0
Birmingham City	Striker	10	4	1,150	2	0
	Midfielder	7	8	1,050	3	0
	Defender	2	1	900	1	0
Bristol City	Striker	9	3	1,100	2	0
	Midfielder	6	7	1,000	3	0
	Defender	1	0	800	1	0
Bristol Rovers	Striker	8	2	1,050	2	0
	Midfielder	5	6	950	3	0
	Defender	1	1	850	1	0
Bristol Strikers	Striker	7	1	1,000	2	0
	Midfielder	4	5	900	3	0
	Defender	0	0	750	1	0
Bristol Wanderers	Striker	6	1	950	2	0
	Midfielder	3	4	850	3	0
	Defender	0	0	700	1	0
Bristol W.F.C.	Striker	5	0	900	2	0
	Midfielder	2	3	800	3	0
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Bristol Y.F.C.	Striker	4	0	850	2	0
	Midfielder	1	2	750	3	0
	Defender	0	0	600	1	0
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Bristol City U19s	Striker	2	0	750	2	0
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Bristol City U20s	Striker	1	0	700	2	0
	Midfielder	0	0	600	3	0
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File Review Symbols

I - Identical
NI - Not identical

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FD-160 (Rev. 7-21-83)

EXEMPTED FROM AUTOMATIC
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FBI AUTOMATIC DECLASSIFICATION GUIDE

Date	EXEMPTION CODE 25X(1)
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DATE 07-27-2010

TO: OFFICE SERVICES MANAGER

Subject

Social Security Account #	
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Aliases

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Squad	Player	Age	Position	Height	Weight	Goals	Assists	Yellow Cards	Red Cards
A	1	23	FW	1.75	70	12	5	2	0
	2	25	DF	1.85	75	0	3	1	0
	3	21	MF	1.70	65	8	10	3	0
B	4	24	FW	1.80	72	10	4	1	0
	5	26	DF	1.90	80	0	2	0	1
	6	22	MF	1.75	68	6	8	2	0
C	7	20	FW	1.70	65	9	6	1	0
	8	27	DF	1.85	75	0	1	0	0
	9	23	MF	1.75	68	7	9	2	0
D	10	24	FW	1.80	72	11	7	0	0
	11	25	DF	1.85	75	0	4	1	0
	12	21	MF	1.70	65	5	7	3	0

Extension

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- ☐ **Confidential Indices:**

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File Review Symbols

I - Identical
NI - Not identical

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Timeout period expired
SUTTON, PERCY

ALL INFORMATION CONTAINED
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DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

REC-NO: 001

TRUE-NAME:

NAME-TYPE: MAIN-REF: R SEE-SAC: INDEX-DATE: 090479
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OO: OO-FILE: - OFFENSE-DATE: VIOLATION: RICO
SERIAL1: 170
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8-13-79 302 *stated* PERCY SUTTON
purchased 50% share of The Amsterdam News Co.
2340 8TH AVE. NY, NY.

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SUTTON, PERCY

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Source contact - P.S. is generally out of the political scene
for times being because he is involved representing African
interests in the U.S. P.S. keeps advised of activities

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SUTTON, PERCY

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SUTTON, PERCY

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SUTTON, PERCY

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DATE 07-26-2010 BY 60324 UC BAW/SAB/LSC

(Indicate page, name of newspaper, city and state.)

Newsday; Long
Island, New York

Date: 5/30/85

Edition:

Title:

Character:
or

Classification:

Submitting Office:

New York

194A-499-45

SEARCHED INDEXED
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MAY 31 1985

FBI/DOJ

FBI NEW YORK

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(Mount Clipping in Space Below)

FBI Man: 'Moral' Duty to Defy Judge

By Rita Ciolli
Newsday Washington Bureau

An FBI agent with the prime responsibility for monitoring a controversial 1979 wiretap testified yesterday that he had a "moral obligation" to conceal the name of an informant, even if it violated a federal judge's order.

FBI agent Robert Levinson was testifying in State Supreme Court in the Bronx in the sixth day of a pretrial hearing in the subway tunnel fraud case against former U.S. Labor Secretary Raymond J. Donovan and nine

others and his firm, the Schiavone Construction Co.

Under questioning by defense attorney Raymond Brown Jr., Levinson conceded that he took no steps to make a federal judge aware of the fact that the FBI informant was actually one of the probe's targets being overheard on the wiretap. The agent said he feared that identifying the informant would endanger his life.

The defense team contends that Levinson was one of a handful of agents who withheld information about the criminal activities of a

Michael Orlando, from their supervisors and a federal judge. Orlando was later identified.

After federal prosecutors introduced what was known as the TUMCON investigation, Bronx District Attorney Mario Merola obtained the tapes and used them as the basis for the case against Donovan and others indicted in the \$74 million case against a Transit Authority contractor.

The pretrial hearing is on a motion to have the tapes suppressed as evidence. The hearing is expected to last several days.

(Mount Clipping in Space Below)

(Indicate page, name of
newspaper, city and state.)

NEWARK STAR
Ledger, Newark, New
JERSEY

Date: 5/31/85
Edition:

Title:

Character:

or

Classification:

Submitting Office: New York

194A-499-46
SEARCHED INDEXED
SERIALIZED FILED

MAY 31 1985

FBI NEW YORK

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FBI hid evidence that informant was a killer

By TIM O'BRIEN

NEW YORK—Documents from a 1979 FBI mob probe—disclosed in court yesterday—show that wiretap evidence indicating that an FBI informant may have murdered 10 people was never passed along to the judge overseeing the wiretap.

According to the documents, admitted as evidence in the wiretap suppression hearing involving former Labor Secretary Raymond Donovan, several references to the informant's criminal actions were either watered down or eliminated.

The informant, a mobster named Michael Orlando who Justice Department attorneys have said may have killed 15 to 20 persons, was working undercover for the FBI's New York office in the first half of 1979. He was an associate of mobster William Masselli and was working at Masselli's Bronx meat warehouse under instructions from the FBI to engage Masselli and others in criminal conversation and to report back.

Orlando, now serving time with

Reports to judge downplayed incriminating statements on tapes

Masselli on drug and hijacking charges, was instructed not to take part in any crimes, according to FBI agent Robert Levinson, who spent his seventh day on the witness stand in the Bronx hearing.

Orlando, who was earning \$500 a week from the FBI while receiving a salary and a car from Masselli, was ultimately prosecuted and jailed because he was caught on the wiretap taking part in hijackings and a scheme to manufacture synthetic cocaine. Orlando helped the agents with information on where and how to place bugging devices in Masselli's plant, but he was never told that electronic eavesdropping devices had in fact been placed in the warehouse.

Under cross-examination by New York attorney Raymond M. Brown, Levinson conceded that during a March 8, 1979, conversation he was monitoring, he overheard Masselli refer to Orlando,

saying, "This kid's a bad kid; this guy's got about 10 under his belt already."

Levinson testified that when he heard the remark there was "no doubt in my mind" that Masselli was talking about 10 murders. Nevertheless, he acknowledged that although he told his superiors that the tape was a "good one," he deliberately did not point out the remark, explaining that to do so could possibly have compromised Orlando's role as an informant, which was known only to Levinson and his partner, FBI agent Lawrence Sweeney.

Eighteen days later, in an affidavit submitted to a federal judge to support a wiretap extension application, FBI agent Benjamin Purser specifically referred to the March 8 conversation. However, his affidavit stated only: "They referred to Mike... and to Mike being bad."

Similarly, a report by then Assistant U.S. Attorney Michael Ross, also submitted to the judge in support of the wiretap extension, referred to the conversation, saying it reflected comments "about Mike being bad."

On a tape made March 5, 1979, Masselli was heard discussing Orlando's role in monitoring a doctor who was to make the synthetic cocaine. "Mike has to be there to watch him, to make it, or put him in the river," Masselli said.

Again, Levinson said he understood the remark to be a threat by Masselli that the doctor would be killed if he didn't perform his part of the deal. However, Levinson said he did not tell Purser or Ross about "Mike's" potential role as a killer.

When Purser referred to the wiretap conversation in another affidavit filed with the court, he described Orlando's role by saying, "Mike would have to be there."

Another intercepted conversation recorded Masselli saying that "the kid

shot someone from the Purple Gang in the face." Masselli called Orlando "the kid."

Levinson yesterday said he did not recall that remark, which was not recorded on the daily log sheets being kept by the agents.

Brown and his colleagues are arguing that in failing to record Orlando's role in crimes on the logs, the affidavits and reports, which went to the federal judge, the government was deliberately deceiving the court in an effort to run a wiretap illegally.

Levinson said on redirect examination by Bronx Assistant District Attorney Stephen Bookin that sometimes information was not recorded on the logs because the suspects talked "very fast and in hushed tones, and at the same time" when they discussed criminal conspiracies.

The FBI's Office of Professional Responsibility has been conducting an internal investigation into the handling of the mob probe by the New York office. The probe, which cost more than \$1 million, produced raw information on 30 separate prosecutions, from mob rubouts to political corruption, but the only indictments that resulted were of Masselli and several associates for hijacking and a cocaine deal.

The FBI recently established a new squad to review the files on the probe for possible prosecutions. The bureau intensified its internal probe this spring as New York Supreme Court Justice John Collins ruled there was sufficient evidence to hold the current hearing on the FBI's conduct in obtaining the wiretap orders in 1979.

Masselli was a subcontractor to Donovan's contracting firm, Schiavone Construction Co. of Secaucus, on a massive subway tunnel job that continues today. A Bronx grand jury has indicted Donovan, Masselli and eight others, charging that they defrauded the New York City Transit Authority out of \$7.4 million through phony and inflated vouchers.

The Bronx prosecutors say the 1979 tapes are crucial to proving their larceny case.

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/124

DATE: 31 MAY 85 21:11:43 EDT

CC:

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OO HQ

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FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: FBIHQ SUPV. [REDACTED]

ROOM 3865

ATTN: FBIHQ SUPV. [REDACTED]

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BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED, MAY 24, 1985.

A REVIEW OF THE NYO [REDACTED] INDICES FOR PERCY SUTTON REVEALED THE FOLLOWING INFORMATION. THERE WERE FOUR REFERENCES TO NY 183A-1290; TUMCON.

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[REDACTED] PRINTOUT OF [REDACTED]

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194A-499-47

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MAKES NO MENTION OF SUTTON.

[] PRINTOUT OF NEWSPAPER CLIPPING DATED MAY 1, 1979 MAKES NO
REFERENCE OF SUTTON.

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[] PRINTOUT OF MEMO REGARDING SOURCE CONTACT DATED OCTOBER
18, 1978 MENTION SUTTON BEING TEMPORARILY OUT OF THE POLITICAL FIELD
BECAUSE OF BEING INVOLVED IN REPRESENTING INTERESTS OF AFRICAN
COUNTRIES IN THE UNITED STATES. HOWEVER, SUTTON KEEPS IN CONTACT
WITH POLITICAL SCENES []

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[] PRINTOUT OF INDICES RECORD REQUEST OF A TRANS UNION CREDIT
INFORMATION REPORT DATED NOVEMBER 12, 1979 OF PERCY SUTTON.

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REVIEW OF NYO DMV PRINTOUT REVEALS THE FOLLOWING INFORMATION
REGARDING PERCY E. SUTTON, DATE OF BIRTH, NOVEMBER 24, 1920, ADDRESS
10 WEST 135TH STREET, NEW YORK, NEW YORK.

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PAGE THREE DE NY 0124 UNCLAS

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INVESTIGATION CONTINUING AT NEW YORK.

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BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED, MAY 24, 1985.

A REVIEW OF THE NYO [] INDICES FOR PERCY SUTTON REVEALED THE
FOLLOWING INFORMATION. THERE WERE FOUR REFERENCES TO NY 183A-1290;

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TUMCON.

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[REDACTED] PRINTOUT OF NEWSPAPER CLIPPING DATED MAY 1, 1979 MAKES NO
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[REDACTED] PRINTOUT OF INDICES RECORD REQUEST OF A TRANS UNION CREDIT
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INVESTIGATION CONTINUING AT NEW YORK.

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STAR LEADER 6/1/85

Agent recounts origin of FBI wiretap probe

By TIM O'BRIEN

NEW YORK—The FBI's Tumcon investigation of 1979, now the subject of an intensive internal FBI criminal probe, began when an agent tricked a mobster into becoming an informant, according to testimony in the wiretap suppression hearing involving former Labor Secretary Raymond Donovan.

FBI agent Lawrence Sweeney testified yesterday that he recruited informant Michael Orlando in January 1977 by telling him he had information that Orlando was involved in an armored car robbery. "In fact, I had no such information, but he believed me... and he agreed to help me," said Sweeney in a Bronx courtroom.

Orlando went on to become a "top echelon" informant who was paid more than \$50,000, and who provided valuable information on gangland murders, hijackings, narcotics and political corruption, court documents have revealed.

Orlando, 44, became the "inside" informant in 1979 when the FBI bugged the Bronx meat plant owned by mobster William Masselli who is now a co-defendant with Donovan and six officers of Donovan's old firm, G.G. Schiavone Construction Co.

Masselli, a subcontractor to Schiavone on a major Manhattan subway

project, and the others are accused of defrauding New York City out of \$7.4 million by submitting false and inflated vouchers on the construction job.

In the hearing now under way, lawyers for Donovan and Schiavone are arguing that the Tumcon tapes from the warehouse should be suppressed because the FBI deceived a judge in obtaining court approval for the electronic eavesdropping.

Sweeney, testifying in the eighth day of the hearing, backed the testimony of his FBI partner in the Tumcon probe, saying that he, too, had informed then U.S. Attorney Robert Fiske in April 1979, that their informant was becoming involved in criminal activity, particularly in a scheme to produce synthetic cocaine.

Fiske has denied he was apprised of the bureau's problem with Orlando.

Sweeney also revealed yesterday that Orlando, in addition to being paid by both Masselli and the FBI, also received \$12,000 during that period for recovering stolen goods.

Sweeney said he aided Orlando in obtaining a \$2,000 reward from the New York State Trucking Association for helping to recover hijacked trucks, and he further aided Orlando in receiving a \$10,000 reward from a New York City bank clearinghouse for helping in the arrest of a fugitive bank robber.

(Indicate page, name of newspaper, city and state.)

NEWARK *STAR LEADER*

NEWARK, New Jersey

Date: 6/1/85

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Submitting Office: New York

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JUN 3 1985

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(Mount Clipping in Space Below)

THE STAR-LEDGER 21
Tuesday, June 4, 1985 ○

Agent tells of curbs on informant

By TIM O'BRIEN

NEW YORK—The FBI agent who supervised an informant during the bureau's 1979 Tumcon investigation—now playing a key role in the larceny case against former Labor Secretary Raymond Donovan—testified yesterday that the informant was never authorized to commit crimes while working undercover.

FBI Agent Lawrence Sweeney made the remarks in testifying during the ninth day of a tape suppression hearing in the Bronx involving the larceny case against Donovan. Sweeney said that "on the contrary, he (informant Michael Orlando) was continually instructed not to do so."

Orlando, 44, did, however, continue to engage in hijacking and drug dealing while on the FBI's payroll as a \$500-a-week "top echelon" informant in early 1979, and ultimately his crimes caused him to be prosecuted and jailed.

During the Tumcon probe, the FBI bugged the Bronx meat plant of mobster William Masselli while Orlando, a Masselli associate, visited the location regularly under FBI instructions to engage Masselli in criminal conversations to learn about his underworld activities.

Donovan, Masselli and six officers of Donovan's former contracting firm, Schiavone Construction Co. of Secaucus, were indicted last fall on a charge that they defrauded the New York City Transit Authority out of \$7.4 million by submitting false and inflated vouchers on a \$186 million subway tunnel job in Manhattan between 1977 and 1984. Masselli headed a subcontractor on the job, Jopel Trucking Co., at the time.

Bronx District Attorney Mario Merola has said the Tumcon tapes contain conversations between Masselli and his partner in Jopel, State Sen. Joseph Galiber (D-Bronx), which Merola said prove the larceny conspiracy.

But the Donovan/Schiavone defense lawyers are arguing the tapes are "tainted" and, therefore, must be suppressed because the FBI deliberately "hoodwinked" the federal judge who authorized the wiretaps in 1979.

Sweeney said that when he learned that Orlando had in fact taken part in a hijacking in May 1979, "I expressed great displeasure to him."

Sweeney said Orlando called him the night of the hijacking to explain what happened, saying that Orlando called the incident "a crime of opportunity."

"Orlando told me he was not trying to double-deal the FBI, saying that if he was he wouldn't have brought the (hijacked) load to Masselli's," said Sweeney.

Eventually Orlando was labeled a "double-dealer" by the government, and is now serving time for hijacking.

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JUN 5 1985
FBI/DOJ

FBI NEW YORK

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(Mount Clipping in Space Below)

STAR LEDGER 6/5/85

FBI concocted bribe case on hype, hot air

Some FBI officials thought they had a prosecutable bribery case against Rep. Mario Biaggi (D-N.Y.) as a result of wiretapped conversations, according to internal FBI documents.

But at least four FBI and Justice Department officials thought the G-men were "hypeing" the evidence against Biaggi drawn from the recorded conversations.

No official charges were ever brought against Biaggi.

Biaggi, now serving his ninth term in Congress, told our associate Tony Capaccio he had been unaware of the allegations until a few weeks ago, and had never been interviewed by either the FBI or the Justice Department on the matter.

A review of the tapes in the FBI's controversial "Tumcon" investigation turned up Biaggi's name. He was mentioned on a Tumcon tape made on April 14, 1979, of a conversation between alleged mob figure William Masselli and a friend. Masselli's phone was one of those tapped in the anti-racketeering investigation.

According to an FBI narrative taken from the tape, Masselli's friend was describing how he allegedly got Biaggi's help on a dumping contract. "Biaggi wanted \$5,000 to secure the contract," the friend told Masselli.

The friend told Masselli he handed the congressman a check for \$5,000 "on the steps of the (federal) administration building," and



**Jack
Anderson**

that "on the face of the check he wrote 'annual retainer,'" according to the FBI narrative. It noted that "Masselli was told that this incident with Biaggi occurred several years ago."

Biaggi scoffed at the whole idea. A much-decorated former New York City police lieutenant who was wounded 10 times in the line of duty, the 67-year-old congressman said: "I'm an old cop. If I'm going to do something wrong, do you think I'd do it with a check? That's ridiculous."

It is not uncommon for mobsters to boast of political payoffs and connections.

The information on Biaggi was presented during a briefing for more than two dozen FBI officials on the Tumcon investigation six days after the conversation in which Biaggi was mentioned.

"Among the conclusions reached" by the briefing agent was "that they had sufficient information regarding Congressman Biaggi to be able to conclude prosecutable cases within a short amount of time and minimal amount of effort," according to a report made to FBI inspectors last October.

And in an earlier Tumcon review made in late 1980, FBI official Kenneth Walton "commented to the effect that if the bureau did not go after Masselli... he believed there was a shot at Biaggi," according to an FBI internal document.

Walton also lamented a decision by a Justice Department attorney "which thwarted investigative efforts," according to the document, which explained: "He stated that a decision was made to issue a subpoena against the man who claimed to have given Biaggi the \$5,000 check, 'rather than execute a search warrant to produce the check he had given to Biaggi, and not surprisingly the check disappeared.'"

However, the two federal prosecutors closest to the Tumcon case thought the evidence of political corruption was exaggerated by the FBI.

U.S. Attorney Michael Ross "advised he feels the Tumcon case was hypeed by the FBI in that the FBI considered every case to be a good one... (and) all the high-level cases the FBI talks about are just hype," according to an internal report. The other U.S. attorney, Patricia Hynes, told FBI inspectors "there were no political corruption cases."

According to an internal agency review, two FBI officials also agreed that some of the Tumcon cases were being overblown.

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Submitting Office:

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JUN 5 1985

FBI NEW YORK

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NEWSPAPER 6/15/85



JACK

ANDERSON

FBI Aides Discussed Bringing Charges Against Biaggi

SOME FBI officials thought they had a prosecutable bribery case against Rep. Mario Biaggi (D-Bronx) as a result of wiretapped conversations, according to internal FBI documents.

But at least four FBI and Justice Department officials thought the FBI advocates were "hype" the evidence against Biaggi drawn from the recorded conversations. No official charges were ever brought against Biaggi.

Biaggi, serving his ninth term in Congress, told our associate Tony Capaccio that he had been unaware of the allegations until recently, and had never been interviewed by either the FBI or the Justice Department on the matter.

A review of the tapes in the FBI's

controversial "TUMCON" investigation turned up Biaggi's name. He was mentioned on a TUMCON tape made on April 14, 1979, of a conversation between alleged mob figure William Masselli and a friend. Masselli's phone was one of those tapped in the anti-racketeering investigation.

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Biaggi scoffed at the whole idea. A much-decorated former New York City police lieutenant who was wounded 10 times in the line of duty, the 67-year-old congressman said, "I'm an old cop. If I'm going to do something wrong, do you think I'd do it with a check? That's ridiculous." It is not uncommon for mobsters to boast of political payoffs and connections.

The information on Biaggi was presented during a briefing for FBI officials on TUMCON six days after the conversation in which Biaggi was mentioned. "Among the conclusions reached" by the briefing agent was "that they had sufficient information regarding Congressman Biaggi to be able to conclude prosecutable cases within a short amount of time and minimal amount of effort," according to a report made to FBI inspectors in October.

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However, a U.S. attorney close to the TUMCON case, Michael Ross, advised he feels the TUMCON case was hyped by the FBI in that the FBI considered every case to be a good one . . . and all the high-level cases the FBI talks about are just hype," the internal report said.

U.S. Attorney Patricia Hynes told FBI inspectors "there were no political corruption cases."

According to an internal agency review, two FBI officials also agreed that some of the TUMCON cases were being overblown.

Footnote: At our request, Walton reviewed the documents. Through a spokesman, he said: "At the time, that was what I thought, based on the information available to me. But time and additional information can change opinions."

This was written with Dale Van Atta.

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JUN 16 1985

FBI/DOJ

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Submitting Office:

New York

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Date:
Edition:

6/15/85

(Indicate page, name of
newspaper, city and state.)New York
NYC, NY

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Anderson FBI split on Biaggi 'evidence'

WASHINGTON — Some FBI officials thought they had a prosecutable bribery case against Rep. Mario Biaggi, D-N.Y., as a result of wiretapped conversations, according to FBI documents.

But at least four FBI and Justice Department officials thought G-men were "hyping" evidence against Biaggi drawn from recorded conversations.

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The New York Tribune

Woodbridge, N.J.

Date: 6/5/85
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Submitting Office:

New York

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THE STAR-LEDGER
NEWARK, N.J.

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NEW YORK

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FBI/DOJ

THE STAR-LEDGER, Friday, June 7, 1985

13

FBI tapes included talk of bribing federal judge

By TIM O'BRIEN

NEW YORK—The FBI targeted a federal judge in New York City for possible involvement with a bribe, according to testimony in a Bronx court hearing to suppress FBI tapes made during the 1979 Tumcon investigation.

FBI agent Lawrence Sweeney, testifying during the 12th day of the tape suppression hearing in the larceny case against ex-Labor Secretary Raymond Donovan, acknowledged that the bureau directed its key informant, Michael Orlando, to elicit "conversations about a payment of a bribe to a United States District Court judge" in New York City.

The name of the judge did not surface, nor did any information that there was any truth to the allegation. The line of questioning by defense attorney Theodore Wells of Roseland, who was cross-examining Sweeney, was immediately cut off by State Supreme Court Justice John Collins, who ruled the question was not relevant to the hearing.

Collins is conducting the hearing at the request of attorneys for Donovan and his former associates at Schiavone Construction Co. of Secaucus, who contend that the Tumcon tapes are the

Agent's revelation ruled irrelevant during defense queries at hearing

product of an illegal 1979 wiretap and cannot be used in the present case.

Donovan, who resigned in March, six Schiavone officers and several others were indicted by a Bronx grand jury on charges that they defrauded the New York City Transit Authority out of \$7.4 million by submitting false and inflated vouchers. Schiavone Construction also is charged in the scheme, which allegedly occurred during a \$186 million subway tunnel project begun in 1977 which is still under construction.

During the Tumcon investigation, the FBI bugged a Bronx meat warehouse owned by admitted mobster William Maselli, who headed a trucking firm that was a subcontractor to Schiavone on the subway job.

The FBI's handling of the Tumcon probe, and its role in supervising informant Orlando who was an associate working at Maselli's warehouse, has been the subject of an intense controversy within the bureau since 1980. The

bureau has conducted three separate internal probes into the case, including a "criminal investigation" that began last fall and is continuing.

Transcripts from some 1980 tapes, made by the FBI during seven months of electronic eavesdropping at Maselli's plant, show that several allegations of political corruption were overheard on the wire. In addition to conversations about a possible payoff to a federal judge, the excerpts reveal discussions about bribe attempts to a national parole board officer, a New York congressman, state and city inspectors and State Sen. Joseph Galiber (D-Bronx). Galiber was the subcontracting partner of Maselli and is a co-defendant, along with Maselli, in the larceny case. Sweeney, meanwhile, continued to defend his actions as the control agent for Orlando between mid-1978 and September 1980, when the bureau finally dumped him as an informant and labeled him a "double-dealer."

Sweeney, in a letter to FBI Director William Webster in June 1981, and in a February 1981 sworn statement to FBI superiors, maintained that Orlando did not engage in three 1979 hijackings while he was working undercover as a \$500-a-week informant. Sweeney maintained Orlando was forced to participate as a hijack conspirator in order to prevent detection as an informant.

Sweeney also contended that Orlando had no choice but to participate in a scheme to produce synthetic cocaine. In his statement, Sweeney said he repeatedly told Orlando he had "no license to steal. If you screw up (engage in illegal activity), you're going, I'll pop you myself (send him away)."

Orlando's attorney, however, has claimed in writing that Sweeney's partner in Tumcon, agent Robert Levinson, gave Orlando permission to commit crimes.

The Donovan defense team is arguing that the criminal activity of Orlando—who eventually was convicted of hijacking—was deliberately concealed from the assistant U.S. attorney who applied for all the wire-tap extensions. In addition, it was concealed from the federal judge who approved the wiretaps.

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FBI/DOJ

FBI Agent Says He Was Told To Destroy Notes on Donovan

By Rita Ciolli

Newsday Washington Bureau

Bronx — Four days before Senate confirmation hearings began in 1981 on the nomination of Raymond Donovan to be labor secretary, top New York FBI officials ordered an agent to destroy all his notes of an informant's allegations that Donovan had ties to organized crime, the agent testified last week.

The agent did send a confidential memo to his supervisors containing the informant's charges that Donovan met in Florida with organized-crime figures and that he was involved in a possible minority-business fraud scheme. But FBI officials in Washington provided little of the information to the Senate committee, and Donovan won confirmation.

FBI agent Lawrence Sweeney, testifying Friday during a pre-trial hearing in the Bronx case, said he "destroyed all available notes" of interviews he had with the informant, Michael Orlando. Under cross-examination by defense attorney Theodore Wells, Sweeney said that in his 20 years as an agent he had never, before or since, received such an order.

Other FBI documents that have been obtained by Newsday show that Sweeney was refused permission to contact Orlando and to question him further about the claims. At the time, Orlando was the center of a major dispute in the New York office about crimes he had committed while he was an informant. In a memo to his superiors on Jan. 9, the day he destroyed his notes, Sweeney relayed Orlando's information to the New York office.

Orlando had told Sweeney that he had been on a Jan. 18, 1979, Delta Airlines flight to Florida with Donovan and William Masselli, who is identified as a Genovese Family organized-crime figure. The informant said the Masselli group, which was in Miami for the Super Bowl, had several meetings with Donovan in Florida, the documents said.

In addition, Orlando said that Masselli, upon hearing of President Ronald Reagan's nomination of

Donovan in late 1980, had described Donovan as "our ace in the hole."

Despite Orlando's offer to "develop" further information, and despite plans by the New York office to have agents other than Sweeney interview Orlando, Bronx prosecutor Stephen Bookin revealed Friday, the FBI has admitted that no such interview of Orlando ever took place.

FBI Assistant Deputy Director Tony Genakos said in an interview Friday that there was nothing wrong with the instructions that Sweeney destroy his notes. Instead, he said, since much of Sweeney's information from Orlando had not been recorded in FBI files in order to protect the informant's identity, the agent was being told to make a report so that official records would be available to the FBI.

"There was no effort to cover up the information from Orlando. On the contrary, this was done to make a record of it," said Genakos.

Donovan resigned from Reagan's cabinet in March, hours after a Bronx judge ordered him and his firm, Schiavone Construction Co., to stand trial on fraud charges involving the use of a phony minority subcontractor in the building of a subway tunnel in Manhattan. The Bronx case is based on information from Orlando and evidence from a massive FBI wiretap, the existence of which the FBI also withheld from the Senate at the time of Donovan's confirmation.

The Bronx hearing, which enters its fourth week tomorrow, is to determine whether wiretap evidence can be used against Donovan and others in the fraud case.

The proceedings before State Supreme Court Justice John Collins have also turned into a separate mini-trial of the FBI's handling of a 1979 investigation known as TUMCON. The hearing is proceeding simultaneously with an unprecedented internal FBI investigation to determine whether there was any misconduct in the failure to prosecute many

of the crimes that were overheard on the wiretap.

Confidential FBI documents turned over in the hearing show that on Jan. 8, 1981, Orlando, after reading in the newspapers of a delay in the Donovan confirmation hearings, called Sweeney to tell him of Donovan's and Masselli's ties. He also reminded Sweeney that references to Donovan, and to the involvement of his firm in an allegedly fraudulent minority-business scheme, were overheard on the TUMCON wiretaps.

The same day that Orlando called, Sweeney wrote a two-page memo. The next day Sweeney was told to destroy his notes about his contacts with Orlando. Although the names of the superiors involved in giving Sweeney the orders have been removed from the documents, subsequent communications that the FBI has made available for the court hearing show that Lee Laster, then head of the FBI office, and his deputy at the time, Kenneth Walton, were involved.

On Jan. 10, some of the information Orlando provided was sent by the New York FBI to headquarters in Washington. It said that three of the crime figures Orlando mentioned were on Delta's first-class flight manifest, but that Donovan's name was not listed. It noted, however, that several of the first-class passengers traveled as a party of two on that flight, with no other name indicated.

Little of the Orlando information reached the senators. A 1983 Senate special investigation found that the FBI had withheld critical information, but no reason was ever given. Francis M. Mulvenon, the FBI official who appeared before the confirmation hearing held by the Senate Committee on Labor and Human Resources, never mentioned the Orlando allegations nor the wiretap references. Mulvenon acknowledged in June, 1982, that he had consciously withheld the references, saying it "was not pertinent" and did not "indicate any criminality on the

—Continued on Page 21

(Mount Clipping in Space Below)

FBI Agent Says He Was Ordered to Destroy Notes

—Continued from Page 3
part of Ray Donovan.

Three weeks ago, Donovan's lawyer, William O. Bittman, in asking for permission to challenge the tapes, said that Schiavone, Donovan, and other company executives were mentioned on the tapes 351 times.

In a 1981 letter to FBI Director William Webster about the TUMCON case and other statements he had given to his supervisors, Sweeney criticized his superiors in the New York office. He blamed "New York office politics" and the reluctance of Walton to work with Orlando as key factors in the mishandling or downplaying of Orlando's information.

At the time, FBI internal documents show, there was a split in the New York office about whether Orlando was "out of control" as an informant and should be prosecuted for crimes he was committing. Sweeney had been instructed by Walton not to have any contact with Orlando.

Less than a year after Donovan's appointment, a special prosecutor was appointed to investigate the continuing questions about Donovan's business dealings. The special prosecutor found in June, 1982, that there was "insufficient credible evidence" to warrant a prosecution. But the Senate, angry that the FBI had not provided it with all of the agency's information about Donovan, ordered a special counsel to review the FBI's handling of the case.

The special counsel's report emphasized this Jan. 27, 1981, exchange between Labor Committee Chairman Orrin Hatch (R-Utah) and Mullen about the FBI's review of wiretap references: "Is it correct to say you have found absolutely nothing pertaining to Schiavone Construction Co.?"

Mullen: "That is correct, senator. In each case when we do have a court-authorized wiretap we must record the identity of every individual or company referred to. We maintain those records, known as overhears, and we located no reference to Mr. Donovan of Schiavone Construction Co."

Hatch continued: "In your opinion as investigators, do you feel that had there been these types of associations by Mr. Donovan and/or his firm with well-known [organized-crime] influences, you would have picked them up somewhere in this extensive investigation?"

Mullen: "I think something would have come to our attention."

Hatch: "Are you saying nothing did?"

Mullen: "Nothing has."

The Donovan Case Notes

FBI agent testifies he was ordered to destroy notes mentioning allegations against Raymond Donovan

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More questions about FBI probe surface at hearing in Donovan case

By TIM O'BRIEN

NEW YORK—Testimony and evidence produced yesterday at the tape-suppression hearing in the case against former Labor Secretary Raymond J. Donovan disclosed several more contradictions and problems in the FBI's handling of its 1979 Tumcon probe.

Defense attorneys for Donovan and officers of his former contracting firm, the Schiavone Construction Co. of Secaucus, have contended that the FBI violated federal laws and its own regulations in order to place a wiretap in a Bronx warehouse owned by Donovan co-defendant William Masselli, a mobster who operated a trucking firm that was a Schiavone subcontractor.

During the 13th day of the hearing in The Bronx on the defense motion to quash the tapes as "tainted" because of their alleged illegality, the following pieces of evidence were elicited:

- Thirty "prosecutive" summaries outlining potential organized crime cases have been destroyed, according to internal FBI memos that show the missing files were somehow lost in 1981.

- Three internal FBI probes on the Bureau's handling of Tumcon have focused, in part, on why the \$1 million probe that produced 1,900 hours of tapes resulted in only one set of indictments.

- FBI agent Lawrence Sweeney, the control agent for the key Tumcon informant, Masselli associate Michael Orlando, testified that after the probe ended he was instructed by an unnamed superior to "destroy all available notes of any interviews" he had had with Orlando during the investigation. Sweeney, already censured for contacting Orlando again in 1982 after he was dumped as a "double dealer," said the order to destroy his notes was the first such order he had received in his 20 years with the FBI.

- Orlando, who the FBI says once admitted murdering 15 people, was arrested in June 1979 on Staten Island by detectives for a house robbery while he was working undercover for the FBI inside Masselli's warehouse. Documents in evidence show that then-Assistant U.S. Attorney Michael Ross ordered that information about the crime that surfaced on the warehouse wiretap, including an apparent shakedown attempt by a New York City detective, be withheld from the local police because Ross did not want to "compromise" the wiretap.

Sweeney also testified that when Orlando called him immediately following the robbery, Sweeney cut him short and told him not to give him any information about the robbery because if he did, Sweeney would then have to testify against him.

- Orlando has admitted in another court case that in 1975 he drove the getaway car on a \$150,000 armed bank robbery in Suffolk County, N.Y.

Sweeney had previously testified that he "turned" Orlando as an informant in December 1976 by "bluffing him" into thinking that he had evidence of Orlando's participation in the 1975

bank job when, in fact, he said had no such evidence. Yesterday, Sweeney continued to maintain that he did not know that Orlando took part in the bank heist.

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Defense allowed wider inquiry on FBI wiretap

By TIM O'BRIEN

NEW YORK—Defense attorneys in the larceny case against former Labor Secretary Raymond Donovan won the right yesterday to press their claim that there was "a pattern of intentional deception" in a 1979 FBI wiretap probe of the mob.

State Supreme Court Justice John Collins said the defense lawyers could develop circumstantial evidence in their efforts to show the motives of agents who allegedly "hoodwinked" a federal judge in obtaining the wiretap.

The ruling allowed Newark attorney Raymond M. Brown to grill FBI agent Robert Levinson on his handling of wiretaps at a mobster's Bronx warehouse and the bureau's actions in protecting FBI informant Michael Orlando.

Levinson, testifying for a sixth day, acknowledged that the FBI agent and federal prosecutor who secured the court order for electronic eavesdropping were unaware that Orlando was functioning as an undercover informant, and were unaware that Orlando was participating in the crimes being probed.

Levinson defended his actions,

Agent saw 'moral obligation' to conceal role of informant

saying he told FBI Supervisor James Moody of the New York office that the informant was overheard discussing drug deals. Levinson testified that once he "informed the FBI through channels," he had discharged his obligation.

Brown, representing one of the officers of Donovan's former contracting firm, Schiavone Construction Co. of Secaucus, pressed Levinson, asking, "What did you do to see that that information about Orlando's participation went up the chain to the Justice Department and the judge" who ultimately approved seven months of wiretaps?

"I did what I was supposed to do," Levinson replied.

Brown asked, "Did any FBI supervisor, from (FBI Director William) Webster on down, tell you that you can violate a court order in order to protect your source?"

"No, sir, but I had a moral obligation not to put his name down" on the log sheets recording the taped conver-

sations, Levinson said, adding, "If he had been identified, he could have been killed."

Brown argued that because Orlando's participation in two recorded conversations regarding a plot to manufacture synthetic cocaine was not reflected on the FBI log sheets, the agents were engaging "in a pattern of intentional deception" against the judge, who was receiving copies of the logs.

Brown further noted that some logs were missing or have not been handed over by the federal government, while one log of a taped discussion involving Orlando's role in the drug deal was cut off before the tape stopped recording.

According to one of the FBI affidavits used to support the government's request for a wiretap extension, the FBI "could not penetrate (William) Masselli's operation... through normal investigative means." Brown, though, pointed out that the government had

Orlando "on the inside," and argued that a wiretap was unnecessary and illegal because the FBI in fact did have alternative investigative means.

Collins asked Levinson, "Did you feel called upon to bring it (the affidavit) to the attention of anyone?"

"I believe it's a true statement," said Levinson, who has repeatedly claimed that he and his partner protected Orlando complete anonymity, even to the point of dropping prosecution to protect him.

Brown contended that the affidavit was a "half-truth."

On another issue, Collins rejected a request by the defense that the federal government be forced to turn over information on a second informant involved in the 1979 probe of Masselli. Collins said the request represented nothing more than "a fishing expedition."

Masselli is a co-defendant in the Donovan and his old contracting partners who were indicted last fall for allegedly conspiring to defraud New York City out of \$74 million on a Manhattan subway construction project, which Masselli was a Schiavone contractor.

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THE STAR-LEDGER
Newark, N.J.
Page 16.

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THE STAR-LEDGER, Tuesday, June 11, 1985

FBI destroyed notes on informant after allegation of Donovan mob ties

By TIM O'BRIEN

NEW YORK—Two days after an informant in January 1981 offered an FBI agent information alleging links between Labor Secretary designate Raymond Donovan and mob figures, FBI superiors ordered the agent to destroy all his notes relating to the informant.

The order by superiors in the FBI's New York office came three days before the start of Senate confirmation hearings on Donovan on Jan. 12, 1981.

The disclosures came in internal FBI documents admitted into evidence in a tape suppression hearing in a larceny case against Donovan and 10 others that is unfolding in a Bronx courtroom. The so-called Tumcon tapes, secretly recorded in a 1979 mob probe involving the FBI informant, are being offered by the Bronx district attorney as evidence in the larceny case. However, the Donovan defense team contends that the tapes are inadmissible because the wiretap approval was

gained through deception of a federal judge.

The documents surfaced while FBI agent Lawrence Sweeney was on the stand last week. Sweeney was the control agent for the informant, Michael Orlando, during the Tumcon probe. Tumcon targeted William Masselli, an admitted member of the Genovese crime family.

The documents are part of one of three FBI internal investigations into the bureau's handling of Tumcon, and, in particular, the FBI's management of Orlando. Orlando was later labeled "uncontrollable... and a double dealer" by the FBI and was prosecuted and jailed for his participation in the very crimes he was hired to uncover for the government.

Masselli is a co-defendant with Donovan and Donovan's former associates from his old contracting firm, Schiavone Construction Co. of Secaucus. Masselli headed Jopel Trucking Co., a Schiavone subcontractor during a \$186 million subway tunnel project in

Manhattan lasting from 1977 to 1984.

The larceny indictment charges the defendants, who include six Schiavone officials, with using a phony minority business, Jopel, to circumvent federal rules requiring minority participation. Masselli's partner in Jopel was black. The indictment charges that the defendants defrauded New York City out of \$7.4 million through the use of inflated and false vouchers.

In a 28-page letter to FBI Director William Webster in June 1981 regarding the Tumcon probe, Sweeney said that Orlando called him on Jan. 7, 1981, the day the Senate Labor and Human Resources Committee was scheduled to begin its confirmation hearings on Donovan.

Sweeney wrote: "Smitty (Orlando's

Bureau withheld information during Senate hearing in '81

code name) contacted me and volunteered information concerning personal knowledge he had of Secretary of Labor designate Raymond Donovan's alleged strong ties and prior clandestine meetings with various Genovese family organized crime figures.

"I immediately contacted Assistant Director in Charge (Lee) Laster's office, who thereafter became involved in discussions with the source's confidential attorney... I also indicated to the New York office that the source had indicated that, if directed, he would be willing to attempt to develop further information concerning these allegations."

"I relayed this information to this office," Sweeney wrote in the letter.

The FBI conducted several interviews

of Orlando following his offer, according to the Bronx prosecutor handling the tape suppression hearing.

In a Jan. 14, 1981, memo from Sweeney, the agent said he "destroyed all available notes of any interviews I had conducted with the source (Orlando) while he was an active informant." Sweeney continued that he did this "per directions" of superiors in New York.

Earlier published reports disclosed that the FBI's New York office rechecked its files following a call from an informant around that date, and later uncovered references to Donovan and the Schiavone company made by Masselli during the 1979 bugging of his Bronx meat warehouse in the Tumcon probe.

The confirmation hearing was postponed from Jan. 7 to Jan. 12 because the FBI had failed to submit a report on part of its background check into Donovan on an unrelated allegation.

On Jan. 10, the FBI's New York

office sent a teletype to its Washington, D.C., headquarters outlining the existence of the Tumcon tapes, including references to Donovan made by Masselli.

However, no mention of the existence of the tapes was made by FBI official Francis M. Mullen Jr. at the Jan. 12, 1981, confirmation hearing. Mullen also did not disclose Orlando's allegations. The informant contended that Donovan flew to Miami with Masselli and Masselli's associates in January 1979 for the Superbowl.

Orlando alleged that Donovan had several meetings with Masselli in Miami, a charge that the former labor secretary vehemently and repeatedly denied.

Mullen in mid-1982 acknowledged that he had withheld references to Masselli during the confirmation hearings. He said the information was "not pertinent" and added that it did not show any wrongdoing on Donovan's part.

1 - Supv. TUMCON SPECIAL
RSW:taf
(2)

NY 194A-499

The following investigation was conducted by Special Agent [redacted] at New York, New York, of May 30, 1985.

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A review of the New York Office [redacted] indices for PERCY SUTTON revealed the following information. There were four (4) references to New York 183A-1290; TUMCON.

b2

[redacted] printout of [redacted]
[redacted] makes no mention of SUTTON.

b2
b3

[redacted] printout of Newspaper clipping dated May 1, 1979 makes no reference of SUTTON.

b2

[redacted] printout of memo regarding source contact dated October 18, 1978 mention SUTTON being temporarily out of the political field because of being involved in representing interests of African countries in the U.S. However, SUTTON keeps in contact with political scenes [redacted]

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[redacted] printout of indices record request of a TRANS UNION CREDIT information report dated November 12, 1979 of PERCY SUTTON.

b2

Review of New York Office DMV printout reveals the following information regarding PERCY E. SUTTON, date of birth, November 24, 1920, address, 10 West 135th Street, New York, New York.

100-1-302

10.75

FD-36 (Rev. 5-22-78)

FBI

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TELETYPE

IMMEDIATE

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6/5/85

IMMEDIATE
NEW YORK (194A-499) (P) (TUMCON SPECIAL)
IMMEDIATE
DIRECTOR FBI () ()

22352

ATTN: FBIHQ SUPERVISOR,
ATTN: FBIHQ SUPERVISOR,

ROOM 3865
ROOM 3036

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BT
UNCLAS

BRIBERY-PERCY SUTTON; OO: NEW YORK

REFERENCE NEW YORK TELETYPE TO BUREAU, DATED MAY 24, 1985.

THE FOLLOWING INVESTIGATION WAS CONDUCTED BY SPECIAL AGENT (SA) [REDACTED] AT NY, NY, ON MAY 30, 1985.

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A REVIEW OF THE NYO [REDACTED] INDICES FOR PERCY SUTTON REVEALED THE FOLLOWING INFORMATION. THERE WERE FOUR (4) REFERENCES TO NY

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1 - New York
1 - Supervisor TUMCON SPECIAL
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Approved: JFH/HK Transmitted 130 Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: CLH

183A-1290; TUMCON.

[REDACTED] PRINTOUT OF [REDACTED]
MAKES NO MENTION OF SUTTON.

b2
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[REDACTED] PRINTOUT OF NEWSPAPER CLIPPING, DATED MAY 1, 1979, MAKES
NO REFERENCE OF SUTTON.

b2

[REDACTED] PRINTOUT OF MEMO REGARDING SOURCE CONTACT, DATED OCTOBER
18, 1978, MENTION SUTTON BEING TEMPORARILY OUT OF THE POLITICAL
FIELD BECAUSE OF BEING INVOLVED IN REPRESENTING INTERESTS OF AFRICAN
COUNTRIES IN THE US. HOWEVER, SUTTON KEEPS IN CONTACT WITH
POLITICAL SCENES [REDACTED]

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[REDACTED] PRINTOUT OF INDICES RECORD REQUEST OF A TRANS UNION CREDIT
INFORMATION REPORT, DATED NOVEMBER 12, 1979, OF PERCY SUTTON.

b2

REVIEW OF NYO DMV PRINTOUT REVEALS THE FOLLOWING INFORMATION
REGARDING PERCY E. SUTTON: DOB NOVEMBER 24, 1920, ADDRESS 10 WEST
135TH STREET, NY, NY.

INDICES CHECKS OF PRINCIPALS IN THIS INVESTIGATION ARE
CONTINUING.

INVESTIGATION CONTINUING AT NY.

OUTBOX.17 (#3894)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/130

DATE: 7 JUN 85 22:35:40 EDT

CC:

TEXT: VZCZCNY0130

OO HQ

DE NY #0130 1582150

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R 072053Z JUN 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: FBIHQ SUPERVISOR,

ROOM 3845

ATTN: FBIHQ SUPERVISOR,

ROOM 3036

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BT

UNCLAS

BRIBERY-PERCY SUTTON; CO: NEW YORK

REFERENCE NEW YORK TELETYPE TO BUREAU, DATED MAY 24, 1985.

THE FOLLOWING INVESTIGATION WAS CONDUCTED BY SPECIAL AGENT (P)

b6
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[REDACTED] AT NY, NY, ON MAY 30, 1985.

A REVIEW OF THE NYC [REDACTED] INDICES FOR PERCY SUTTON REVEALED THE
FOLLOWING INFORMATION. THERE WERE FOUR (4) REFERENCES TO

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138A-1290; TUMSON.

[REDACTED] PRINTOUT OF [REDACTED]

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MAKES NO MENTION OF SUTTON.

[REDACTED] PRINTOUT OF NEWSPAPER CLIPPING, DATED MAY 1, 1979, MAKES

b2

NO REFERENCE OF SUTTON.

[REDACTED] PRINTOUT OF MEMO REGARDING SOURCE CONTACT, DATED OCTOBER

18, 1978, MENTION SUTTON BEING TEMPORARILY OUT OF THE POLITICAL
FIELD BECAUSE OF BEING INVOLVED IN REPRESENTING INTERESTS OF AFRICAN
COUNTRIES IN THE US. [REDACTED]

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[REDACTED] PRINTOUT OF INDICES RECORD REQUEST OF A TRANS UNION CREDIT

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INFORMATION REPORT, DATED NOVEMBER 12, 1979, OF PERCY SUTTON.

REVIEW OF NYO DMV PRINTOUT REVEALS THE FOLLOWING INFORMATION
REGARDING PERCY E. SUTTON: DOB NOVEMBER 24, 1920, ADDRESS 10 WEST

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INDICES CHECKS OF PRINCIPALS IN THIS INVESTIGATION ARE
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INVESTIGATION CONTINUING AT NY.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

DATE: 6/11/85

TO : SAC, DIVISION 11

FROM : SA [REDACTED] (TUMCON SPECIAL)

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SUBJECT: TUMCON SPECIAL

On June 6, 1985, Special Agents [REDACTED] met with Assistant U.S. Attorney, [REDACTED] Southern District of New York, for the purpose of discussing several cases related to the TUMCON special.

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During the conversation with AUSA [REDACTED] he was advised that at the request of the Bureau, [REDACTED] was requested to contact [REDACTED] Department of Justice, to obtain a second confirmation regarding a declination on a case in this matter. [REDACTED] advised that he had not heard of this request and therefore telephonically attempted to contact [REDACTED]

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After an initial attempt to contact [REDACTED] [REDACTED] returned a phone call to AUSA [REDACTED]. Both discussed the matter involving having to have [REDACTED] confer with [REDACTED] on any declination in the TUMCON special investigation. After terminating the phone call, AUSA [REDACTED] advised these agents that [REDACTED] had advised him that it was not necessary to contact him on every case involving a declination. AUSA [REDACTED] advised that [REDACTED] provided him with oral permission to decline any case in the TUMCON special investigations if the facts so determined that it should be declined. Therefore, it was understood that any future discussions with AUSA [REDACTED] involving declination would not necessitate having to contact [REDACTED] for a second confirmation.

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1-183A-3424	1-183A-3422	1-194A-497	1-147A-2945
1-183A-3423	1-58A-2547	1-179A-1977	1-194A-500
1-58A-2546	1-166A-4273	1-183A-3428	1-183A-3425
1-194A-496	1-12A-932	1-183A-3427	1-179A-1978
1-183A-3426	1-58C-2548	①-194A-499	1-207G-85
1-194A-498	1-183A-3431	1-147A-2944	1-206C-198
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It was further understood that in a declination letter to AUSA [redacted] that a statement would be prepared stating that AUSA [redacted] had previously conferred with [redacted] in these matters regarding a second confirmation and had been given the permission to decline on his own without having to call him.

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FBI informant called key figure in hijack

STAR LEDGER 6/12/85

By TIM O'BRIEN

NEW YORK—An FBI informant was a key figure in a hijacking that the bureau later used as the "probable cause" to obtain a court-approved wiretap to investigate the heist operation, a defense attorney in the case against former Labor Secretary Raymond Donovan claimed yesterday.

Testimony and evidence during the 15th day of the tape-suppression hearing in the larceny case against Donovan showed that, despite FBI denials of any knowledge that the informant was involved in the hijacking, an "unidentified man" driving informant Michael Orlando's car was a member of the criminal ring.

Defense attorney Robert Schwartz of New York further argued that not only was Orlando at the scene, but he was, in fact, the driver.

The hijacking, which occurred Nov. 30, 1978, is pivotal in the hearing. The Bronx district attorney wants to use the so-called Tumcon tapes, recorded in 1979, to prosecute Donovan and his co-defendants in the larceny case. But the defense claims the tapes are inadmissible because of FBI wrongdoing in obtaining court approval for the wiretap in early 1979.

The initial wiretap, which was placed in the Bronx meat warehouse of mobster William Masselli, gained approval from a federal judge based on an FBI affidavit that cited a truck heist as the main evidence of a hijacking ring in operation.

The affidavit, written by FBI agent Benjamin Purser who headed the Tumcon squad, stated that prior to Nov. 30, 1978, approximately three hijacked trucks per month had been rolling into Masselli's plant. But two agents working under Purser at the time have testified they knew of no hijackings for four months prior to Nov. 30.

According to previous FBI testimony, bureau informant Orlando was not believed to be involved in the ring, nor was he believed to be in the warehouse on Nov. 30.

But, according to daily logs written by FBI agent Paul Doyle, who testified yesterday, Orlando might have been at the warehouse when a hijacked truck, loaded with meat, arrived at Masselli's plant.

Doyle, who was manning a telescope at an observation post near the

plant, has for years maintained that he did not see Orlando there.

But he recorded in his log seeing an unidentified man leaving the plant after the meat was unloaded, and on Dec. 20, 1978, he recorded seeing the same man arrive at the warehouse in the same truck cab.

He also wrote in the log for Dec. 20 that the man was the same person who normally drove a certain car, which he identified by its license plate number. The number recorded by Doyle was registered to a car bought by Orlando, and when Orlando was arrested in June 1979 for a burglary on Staten Island, he was driving that car.

Schwartz argued yesterday that Orlando drove the hijacked truck into the plant and left with another man in a taxi. The attorney also introduced evidence that the FBI had two surveillance cars near the plant that morning and Doyle testified that such surveillance cars were not normally dispatched to the warehouse.

Schwartz, through his cross-examination, argued that Doyle took extensive notes on the unloading of the truck in an effort to bolster the FBI's planned wiretap application, but took no photographs of the truck or its driver, even though camera equipment was set up.

Doyle testified that he took extensive notes because he suspected he was witnessing the reception of stolen goods, because of Masselli's "nervous and furtive manner" prior to the truck's arrival.

The two agents who used Orlando, Robert Levinson and Lawrence Sweeney, have testified that the informant told them he was not at the plant that day, nor was he involved. Levinson has testified that Orlando named the participants. After the seven-month covert operation was ended and indictments were handed up, five men were charged with taking part in the hijacking.

"Somewhere in that scene is the thief who drove the truck in. And he was never identified or charged," asked Schwartz.

"Yes, sir," Doyle replied. On the day of the hijacking, Orlando received \$500 in cash from Sweeney as part of his ongoing payment for informant work. He received \$7,000 between Oct. 20 and Dec. 7, 1978, including \$2,500 on Nov. 22, according to FBI documents.

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The STAR Ledger

NEWARK, N.J.

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STAR LEDGER
**Agents still
at odds on
testimony**

By TIM O'BRIEN

NEW YORK—More contradictions among FBI agents surfaced yesterday in the Bronx court hearing into the bureau's handling of a 1979 mob wiretap investigation.

FBI agent Benjamin Purser, on the witness stand during the 17th day of the tape suppression hearing in the larceny case against former U.S. Labor Secretary Raymond Donovan, offered testimony that conflicted with that of agents who testified regarding the bureau's management of its informant in the probe, dubbed Tumcon, Michael Orlando.

Purser said that when he learned the informant was intercepted on the wiretap engaging in criminal activity, he immediately informed his superior, FBI agent James Moody, who was the supervisor of the Tumcon squad at the time.

Purser testified he learned both of Orlando's identity and of his involvement in the very crimes he was helping to uncover at an April 20, 1979, meeting with then-U.S. Attorney for the Southern District of New York Robert Fiske.

The agent, who had been writing periodic court affidavits since Jan. 4, 1979, in support of the government's requests for the wiretap orders, said that when he told Moody the bureau's informant was Orlando, who was involved in the crimes, Moody "was surprised." Purser said Moody also was upset with FBI agents Robert Levinson and Lawrence Sweeney, who were coordinating Orlando and the wiretap investigation.

Levinson testified on May 20 that he apprised Moody that the informant was being picked up on the wire engaging in criminal discussions in early February.

(Indicate page, name of newspaper, city and state.)

The STAR Ledger

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THE STAR-LEDGER, Thursday, June 13, 1985

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FBI agent defends conduct in obtaining wiretap

By TIM O'BRIEN

NEW YORK—An FBI agent yesterday defended his role in obtaining a court-approved wiretap during a 1979 mob investigation that is now the subject of an internal FBI probe.

Agent Benjamin Purser, who wrote the affidavits used to support Justice Department requests for court orders to bug a mobster's warehouse, testified that everything he wrote was accurate as far as he knew.

The wiretap and the way it was obtained are the subjects of a Bronx court hearing now in its fourth week. Bronx district attorneys intend to use portions of the tape recordings to prosecute former Labor Secretary Raymond Donovan and 10 co-defendants on a larceny indictment. However, the Donovan defense team is arguing that the tapes should be suppressed because the FBI "hoodwinked" the federal judge who approved the bugging.

Donovan and six officers of Schiavone Construction Co., along with the mobster who owned the bugged meat warehouse, William Masselli, face charges of defrauding the New York City Transit Authority out of \$7.4 million by submitting phony and inflated vouchers for a subway tunnel project between 1977 and last year. Masselli headed a subcontracting firm that was hauling dirt on the construction job.

Purser had written in the initial affidavit in support of the wiretap on Jan. 4, 1979, that an FBI informant had learned from Masselli that Masselli received three hijacked trucks at his plant every month. Purser said he got the information by reviewing the files of the informant, explaining that he never spoke to the informant and didn't

Contradictions in testimony arise as fight to squelch tapes continues

know his identity at the time.

On Tuesday, FBI agent Paul Doyle, who was also involved in the so-called Tumcon investigation, testified that he believed Purser understood that only one hijacked load had been observed coming into the plant.

Doyle, who manned a secret observation post near the plant, said although he read Purser's affidavit, "I believe it was understood by Mr. Purser that he understood that it was only one observation" of a hijack incident.

Moreover, FBI agent Robert Levinson, who was coordinating the Tumcon investigation at Masselli's warehouse, testified two weeks ago that FBI agents had observed no hijacked trucks entering the warehouse from July 1978 until Nov. 30 of that year.

The Donovan-Schiavone defense is maintaining that the FBI set up a hijacking on Nov. 30 because the bureau

needed to establish "probable cause" in order to apply for the electronic eavesdropping order. The defense contends that the FBI's informant in the probe, Michael Orlando, drove the hijacked truck to the plant with the approval of his FBI supervisors, who paid him \$7,000 between Oct. 20 and Dec. 7.

There were no other hijack incidents after Nov. 30. On Jan. 4, 1979, the U.S. Attorney's Office in New York City successfully applied for the wiretap, with Purser's affidavit specifically citing the Nov. 30 hijacking.

The defense attorneys are alleging that the wiretap was installed as an intelligence-gathering tool against organized crime in New York City, not for the more limited purpose of breaking the hijacking ring cited in the FBI affidavit.

Doyle and Purser also differed on another point regarding the project. On

Tuesday, Doyle said that when he told Purser he believed a hijacked truck was unloaded at Masselli's plant, Purser was "shocked and surprised" and said, "it was quite unlikely that Masselli would be involved in hijacking," but rather would be involved in "white collar crime."

Yesterday, asked about the conversation by Masselli's lawyer, John Iannuzzi, Purser said he could not recall such a discussion. Asked to list the goals of the wiretap, Purser listed gaining information about hijacking first.

Purser testified that he believed, as he stated in his affidavit, that the wiretap was necessary because all alternative investigative means were found inadequate after being tried or considered. Those alternatives included use of an FBI undercover agent, more physical surveillance, grand jury subpoenas of business records and phone records, and search warrants.

The defense team is arguing that the wiretap was illegal in part because other investigative techniques were in fact available, in particular, the information coming from Orlando, who had become a close associate of Masselli.

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(Indicate page, name of newspaper, city and state.)

TH STAR-LEDGER
New York, N.Y.

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FBI agent denies hiding informant role in heist

By TIM O'BRIEN

NEW YORK—An FBI agent yesterday denied charges that the bureau deliberately failed to investigate a 1978 hijacking because the heist was pulled by its own paid informant.

Agent Benjamin Purser, testifying in the 18th day of a tape suppression hearing in the larceny case against former Labor Secretary Raymond Donovan, said in a Bronx courtroom that the bureau took all appropriate steps to learn who was the driver of the hijacked truck.

The Nov. 30, 1978, hijacking is crucial to the question before state Supreme Court Justice John Collins. When he ordered the hearing in April, Collins said he wanted to know exactly what the FBI knew about the hijacking, both when it happened and when the government applied for a court-approved wiretap on Jan. 4, 1979.

Attorneys for Donovan and his former associates at Schiavone Construction Co. in Secaucus contend the FBI hid its informant, Michael Orlando, set up the hijacking to give the FBI "probable cause" to gain court approval to plant a bug in the mob-owned warehouse where the truck was unloaded.

FBI surveillance logs introduced in evidence show that an unidentified man was at the warehouse the day the hijacked truck was unloaded. The man was in a taxi after the unloading was finished. Moreover, the logs disclose that a car the man had been seen driv-

ing, which was spotted several times at the warehouse before and after the hijacking, was not at the warehouse the day of the theft.

The logs further reveal that an FBI agent in an unmarked surveillance car followed the cab from the Bronx warehouse to lower Manhattan, where as the agent tailed the hijack truck for only a block when it left the warehouse.

The defense attorneys are arguing that Orlando must have driven the truck and left by cab. But Purser and Agent Paul Doyle, who observed the incident through a telescope a block away, both said they were not able to identify the driver.

New York police probed the heist but made no arrests. Police records show the original driver of the truck could not give a good description of the hijackers.

The records also show that on April 30, 1980, 17 months after the heist, police closed the case after the FBI notified them that "the perpetrators" were being prosecuted by the same U.S. attorney who was handling the wiretap probe.

The "perpetrators" were identified as mobster William Masselli, the warehouse owner, and one of his warehouse employees.

Defense attorney Theodore Wells of Roseland argued that the "perpetrators" were, in fact, never apprehended and that Masselli and his worker were simply "the receivers" of the stolen meat.

(Indicate page, name of newspaper, city and state.)

THE STAR LEDGER

NEWARK, N.J.

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NEW YORK

194A-499-71

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FBI informant called key figure in hijack

STAR LEDGER 6/12/85

By TIM O'BRIEN

NEW YORK—An FBI informant was a key figure in a hijacking that the bureau later used as the "probable cause" to obtain a court-approved wiretap to investigate the heist operation, a defense attorney in the case against former Labor Secretary Raymond Donovan claimed yesterday.

Testimony and evidence during the 15th day of the tape-suppression hearing in the larceny case against Donovan showed that, despite FBI denials of any knowledge that the informant was involved in the hijacking, an "unidentified man" driving informant Michael Orlando's car was a member of the criminal ring.

Defense attorney Robert Schwartz of New York further argued that not only was Orlando at the scene, but he was, in fact, the driver.

The hijacking, which occurred Nov. 30, 1978, is pivotal in the hearing. The Bronx district attorney wants to use the so-called Tumcon tapes, recorded in 1979, to prosecute Donovan and his co-defendants in the larceny case. But the defense claims the tapes are inadmissible because of FBI wrongdoing in obtaining court approval for the wiretap in early 1979.

The initial wiretap, which was placed in the Bronx meat warehouse of mobster William Masselli, gained approval from a federal judge based on an FBI affidavit that cited a truck heist as the main evidence of a hijacking ring in operation.

The affidavit, written by FBI agent Benjamin Purser who headed the Tumcon squad, stated that prior to Nov. 30, 1978, approximately three hijacked trucks per month had been rolling into Masselli's plant. But two agents working under Purser at the time have testified they knew of no hijackings for four months prior to Nov. 30.

According to previous FBI testimony, bureau informant Orlando was not believed to be involved in the ring, nor was he believed to be in the warehouse on Nov. 30.

But, according to daily logs written by FBI agent Paul Doyle, who testified yesterday, Orlando might have been at the warehouse when a hijacked truck, loaded with meat, arrived at Masselli's plant.

Doyle, who was manning a telescope at an observation post near the

plant, has for years maintained that he did not see Orlando there.

But he recorded in his log seeing an unidentified man leaving the plant after the meat was unloaded, and on Dec. 20, 1978, he recorded seeing the same man arrive at the warehouse in the same truck cab.

He also wrote in the log for Dec. 20 that the man was the same person who normally drove a certain car, which he identified by its license plate number. The number recorded by Doyle was registered to a car bought by Orlando, and when Orlando was arrested in June 1979 for a burglary on Staten Island, he was driving that car.

Schwartz argued yesterday that Orlando drove the hijacked truck into the plant and left with another man in a taxi. The attorney also introduced evidence that the FBI had two surveillance cars near the plant that morning and Doyle testified that such surveillance cars were not normally dispatched to the warehouse.

Schwartz, through his cross-examination, argued that Doyle took extensive notes on the unloading of the truck in an effort to bolster the FBI's planned wiretap application, but took no photographs of the truck or its driver, even though camera equipment was set up.

Doyle testified that he took extensive notes because he suspected he was witnessing the reception of stolen goods, because of Masselli's "nervous and furtive manner" prior to the truck's arrival.

The two agents who used Orlando, Robert Levinson and Lawrence Sweeney, have testified that the informant told them he was not at the plant that day, nor was he involved. Levinson has testified that Orlando named the participants. After the seven-month covert operation was ended and indictments were handed up, five men were charged with taking part in the hijacking.

"Somewhere in that scene is the thief who drove the truck in. And he was never identified or charged," asked Schwartz.

"Yes, sir," Doyle replied.

On the day of the hijacking, Orlando received \$500 in cash from Sweeney as part of his ongoing payment for informant work. He received \$7,000 between Oct. 20 and Dec. 7, 1978, including \$2,500 on Nov. 22, according to FBI documents.

(Indicate page, name of newspaper, city and state.)

The STAR Ledger

NEWARK, N.J.

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NEW YORK

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THE STAR-LEDGER, Thursday, June 13, 1985

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FBI agent defends conduct in obtaining wiretap

By TIM O'BRIEN

NEW YORK—An FBI agent yesterday defended his role in obtaining a court-approved wiretap during a 1979 mob investigation that is now the subject of an internal FBI probe.

Agent Benjamin Purser, who wrote the affidavits used to support Justice Department requests for court orders to bug a mobster's warehouse, testified that everything he wrote was accurate as far as he knew.

The wiretap and the way it was obtained are the subjects of a Bronx court hearing now in its fourth week. Bronx district attorneys intend to use portions of the tape recordings to prosecute former Labor Secretary Raymond Donovan and 10 co-defendants on a larceny indictment. However, the Donovan defense team is arguing that the tapes should be suppressed because the FBI "hoodwinked" the federal judge who approved the bugging.

Donovan and six officers of Schiavone Construction Co., along with the mobster who owned the bugged meat warehouse, William Masselli, face charges of defrauding the New York City Transit Authority out of \$7.4 million by submitting phony and inflated vouchers for a subway tunnel project between 1977 and last year. Masselli headed a subcontracting firm that was hauling dirt on the construction job.

Purser had written in the initial affidavit in support of the wiretap on Jan. 4, 1979, that an FBI informant had learned from Masselli that Masselli received three hijacked trucks at his plant every month. Purser said he got the information by reviewing the files of the informant, explaining that he never spoke to the informant and didn't

Contradictions in testimony arise as fight to squelch tapes continues

know his identity at the time.

On Tuesday, FBI agent Paul Doyle, who was also involved in the so-called Tumcon investigation, testified that he believed Purser understood that only one hijacked load had been observed coming into the plant.

Doyle, who manned a secret observation post near the plant, said although he read Purser's affidavit, "I believe it was understood by Mr. Purser that he understood that it was only one observation" of a hijack incident.

Moreover, FBI agent Robert Levinson, who was coordinating the Tumcon investigation at Masselli's warehouse, testified two weeks ago that FBI agents had observed no hijacked trucks entering the warehouse from July 1978 until Nov. 30 of that year.

The Donovan-Schiavone defense is maintaining that the FBI set up a hijacking on Nov. 30 because the bureau

needed to establish "probable cause" in order to apply for the electronic eavesdropping order. The defense contends that the FBI's informant in the probe, Michael Orlando, drove the hijacked truck to the plant with the approval of his FBI supervisors, who paid him \$7,000 between Oct. 20 and Dec. 7.

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Yesterday, asked about the conversation by Masselli's lawyer, John Iannuzzi, Purser said he could not recall such a discussion. Asked to list the goals of the wiretap, Purser listed gaining information about hijacking first.

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STAR LEDGER
**Agents still
at odds on
testimony**

By TIM O'BRIEN

NEW YORK—More contradictions among FBI agents surfaced yesterday in the Bronx court hearing into the bureau's handling of a 1979 mob wiretap investigation.

FBI agent Benjamin Purser, on the witness stand during the 17th day of the tape suppression hearing in the larceny case against former U.S. Labor Secretary Raymond Donovan, offered testimony that conflicted with that of agents who testified regarding the bureau's management of its informant in the probe, dubbed Tumcon, Michael Orlando.

Purser said that when he learned the informant was intercepted on the wiretap, engaging in criminal activity, he immediately informed his superior, FBI agent James Moody, who was the supervisor of the Tumcon squad at the time.

Purser testified he learned both of Orlando's identity and of his involvement in the very crimes he was helping to uncover at an April 20, 1979, meeting with then U.S. Attorney for the Southern District of New York Robert Fiske.

The agent, who had been writing periodic court affidavits since Jan. 4, 1979, in support of the government's requests for the wiretap orders, said that when he told Moody the bureau's informant was Orlando, who was involved in the crimes, Moody "was surprised." Purser said Moody also was "in contact" with FBI agents Robert Levinson and Lawrence Sweeney, who were coordinating Orlando and the wiretap investigation.

Levinson testified on May 20 that he apprised Moody that the informant was being picked up on the wire engaging in criminal discussions in early February.

(Indicate page, name of newspaper, city and state.)

The STAR Ledger

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NY 194A-499

The following investigation was conducted by Special
Agent [REDACTED] at New York, New York:

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On June 11, 1985, a review of NY ELSUR indices was
conducted for PERCY SUTTON. There were seven (7) file references
ranging from March 27, 1962 to March 1, 1969. The results of
these file reviews are as follows:

(S)

b1

100-111180 Sub 8, date March 27, 1962. A review of this
file was negative for PERCY SUTTON.

105-22071 Sub 6, date April 16, 1968.
PERCY SUTTON [REDACTED]

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100-11180 Sub 10, date October 10, 1967. [REDACTED]
[REDACTED] to STANLEY LEVINSON. They speak in a general
conversation and mention the name PERCY SUTTON. No criminal
inferences are made.

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The following references and corresponding dates were
not available and were placed on special search by the New York
Office ELSUR section.

105-153735 Sub 2, October 12, 1964

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105-8999 Sub 2, June 8, 1964

105-147372 Sub 10, January 26, 1966

On June 11, 1985 a review was conducted on the New York
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[redacted] A review of this file proved negative for
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Asbury Park Press/Sun., June 2, 1985 1-7

Donovan case may hinge on 'Tumcon' tapes'

GEORGE LARDNER
Washington Post

NEW YORK — The FBI called it "the M8 squad." The agents assigned to it set up an observation post behind the peepholes of a cigarette sign in south Bronx.

The 1979 surveillance was directed at the headquarters of "Pellegrino Masselli Meats-Wholesale Dealers," a forbidding concrete-block structure by the Harlem River. The bureau had been assured that a well-placed eavesdropping device would give them "the key to organized crime in the city."

The million-dollar investigation,

code-named Operation Tumcon, began as a search for a fugitive kingpin from the French Connection. It ended, years later, with a minority-business fraud case in which 10 men, including Secretary of Labor Raymond J. Donovan, were indicted. The case was brought under New York state law, not federal statutes.

The FBI closed down its inquiry in late 1981 under circumstances still unexplained. According to informed sources, approximately 30 "prosecutive summaries" compiled by the M8 squad, each outlining a potential case, were destroyed.

A bizarre chain of events revived

the minority business case that led to the indictment of Donovan last September on state charges of defrauding the New York City Transit Authority of \$7.4 million.

No trial date has been set for Donovan and his codefendants, but the FBI has been involved in an extraordinary set of hearings, which began last month in Bronx Supreme Court, over its handling of Operation Tumcon.

The inquiry was ordered by Judge John P. Collins to help him determine a series of defense motions to suppress the FBI's "Tumcon tapes," now the central evidence in the Donovan case.

Donovan's lawyers also challenged the tapes, but Donovan does not have standing in the hearings.

Defense lawyers contend the FBI hoodwinked the Justice Department and a federal judge into authorizing the surveillance and that the tapes were obtained illegally. They maintain that two FBI agents assigned to the case kept the criminal activities of their key informer, ex-convict Michael Orlando, from those in charge of the investigation. They say the Tumcon evidence is, as a consequence, irrevocably tainted.

Bronx prosecutors contend that the two agents, Robert Levinson and Law-

rence Sweeney, went by the book and informed their superiors in the New York FBI hierarchy as well as the U.S. attorney's office in Manhattan soon after learning of Orlando's involvement in some of the criminal activities under investigation.

The prosecution argues that the electronic surveillance had started months earlier and had produced more than enough evidence, in addition to crimes by Orlando, to justify continuation.

In any case, the federal judge who authorized the eavesdropping and the wiretapping, the late Henry Werker, was never told of the informer's mis-

deeds. Orlando, "a top echelon" source in FBI parlance, remained on the bureau's payroll, at \$500 a week, for more than a year after the surveillance stopped.

In September 1980, the government "discontinued" him as an informer and decided to charge him, along with William P. Masselli and other confederates, in the only two federal indictments returned as a result of Operation Tumcon.

The dispute, as Judge Collins has suggested, is not tidy. "It has pitted

See DONOVAN, page 1-8

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6/14/85

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IMMEDIATE

DIRECTOR FBI () ()

ATTN: FBIHQ SUPV.

ATTN: FBIHQ SUPV.

ROOM 3865

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BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JUNE 7, 1985.

ON JUNE 11, 1985, A REVIEW OF NY ELSUR INDICES WAS CONDUCTED
FOR PERCY SUTTON. THERE WERE SEVEN FILE REFERENCES RANGING FROM
MARCH 27, 1962 TO MARCH 1, 1969. THE RESULTS OF THESE FILE REVIEWS
ARE AS FOLLOWS:

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1 - Supervisor TUMCON SPECIAL
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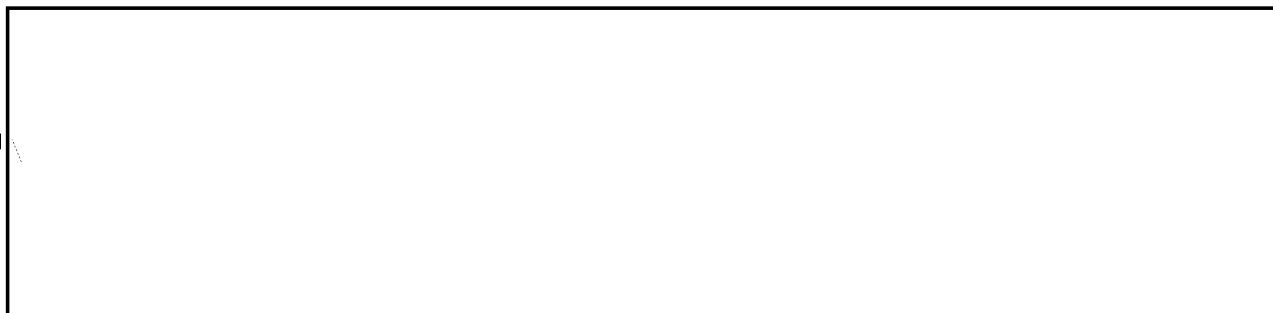
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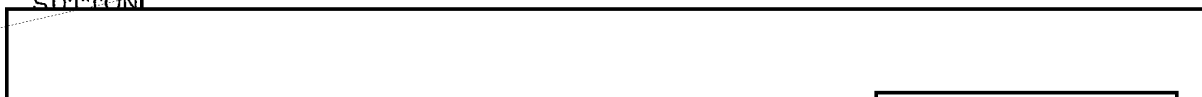
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100-111180 SUB 8 DATE MARCH 27, 1962. A REVIEW OF THIS FILE
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105-22071 SUB 6. DATE APRIL 16, 1968. [REDACTED] PERCY

SUTTON [REDACTED]

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100-111180 SUB 10, DATE OCTOBER 11, 1967. [REDACTED] TO
STANLEY LEVINSON. THEY SPEAK IN A GENERAL CONVERSATION AND MENTION
THE NAME PERCY SUTTON. NO CRIMINAL INFERENCES ARE MADE.

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THE FOLLOWING REFERENCES AND CORRESPONDING DATES WERE NOT AVAILABLE AND WERE PLACED ON SPECIAL SEARCH BY THE NYO ELSUR SECTION.

105-153735 SUB 2, OCTOBER 12, 1964.

105-8999 SUB 2, JUNE 8, 1964

105-147372, SUB 10, JANUARY 26, 1966.

ON JUNE 11, 1985 A REVIEW WAS CONDUCTED ON THE NY [] INDICES FOR PERCY SUTTON. THE ONLY [] REFERENCE WAS TO [] A REVIEW OF THIS FILE PROVED NEGATIVE FOR SUTTON.

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FROM: NY @ SAMNET-EMH

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FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI IMMEDIATE

ATTN: FBIHQ SUPV. 

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BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JUNE 7, 1985.

ON JUNE 11, 1985, A REVIEW OF NY ELSUR INDICES WAS CONDUCTED
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WAS NEGATIVE FOR PERCY SUTTON.

(S) 105-22071 SUB 6, DATE APRIL 16, 1968. [REDACTED] PERCY

SUTTON [REDACTED]

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PAGE THREE DE NY 0147 UNCLAS

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FROM: HQTX @ SAMNET-EMH

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FM DIRECTOR FBI

TO ADIC NEW YORK ROUTINE

ATTN: SAC THOMAS L. SHEER AND FRANCIS J. STOREY, JR.

FBI NEWARK ROUTINE

ATTN: SAC JAMES CAGNASSOLA, JR.

FBI WASHINGTON FIELD ROUTINE

ATTN: SAC NORMAN A. ZIGROSSI

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30 AREAS OF INVESTIGATION RESULTING FROM THE REVIEW OF
THE "TUMCON" FILE.

NEW YORK, NEWARK AND WFO SHOULD BE ADVISED THAT THE
FOLLOWING BUREAU FILE NUMBERS HAVE BEEN ASSIGNED AND SHOULD BE
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1. LONG ISLAND RAILROAD BRIBERY; RICO - BRIBERY
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12. CUBAN NARCOTICS ALLEGATION; NARCOTICS - LCN TARGET

BUFILE 12-11462

13. ALLEGED BRIBE OF MARIO BIAGGI; BRIBERY

BUFILE 58-11633

14. BRIBERY OF [REDACTED] RICO - BRIBERY

BUFILE 183-8093

15. LABOR SHAKEDOWN - [REDACTED] HOBBS ACT

BUFILE 194-5248

16. BRIBERY - [REDACTED]

BUFILE 194-5249

17. LOANSHARKING - [REDACTED]

BUFILE 179-2934

18. FASTRAX: RICO

BUFILE 183-8092

19. CONSPIRACY TO [REDACTED]

BUFILE 183-8091

20. BRIBERY - PERCY SUTTON

BUFILE 194-5245

21. REHABILITATION OF SEVENTH AVENUE, HARLEM

BUFILE 147-27754

b6
b7c

FBI

10.84

20

TELETYPE

IMMEDIATE

UNCLAS

6/21/85

IMMEDIATE

NEW YORK (194A-499) (P) (TUMCON SPECIAL)

IMMEDIATE

~~DIRECTOR FBI (194-5245) (P)~~ 2148

ATTN: FBIHQ SUPV. [REDACTED]

ATTN: FBIHQ SUPV. [REDACTED]

BT

UNCLAS

b6
b7C

BRIBERY-PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JUNE 14, 1985.

b6
b7C

ON JUNE 20, 1985, THE FOLLOWING NYO INDICES WERE REVIEWED FOR

[REDACTED]

b6
b7C

NYO GENERAL INDICES: THERE WERE NUMEROUS REFERENCES TO [REDACTED]
BEING CLOSELY ASSOCIATED WITH MAJOR LCN FIGURES, INCLUDING [REDACTED]

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
RSW:TAF197V4
(2)

b6
b7C

194A-499-83
SEARCHED
SERIALIZED
JUN 24 1985
[REDACTED]

Approved: JLH/hpm Transmitted 129 Per

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
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WP Initials: pl

OUTBOX.4 (#5531)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/129

DATE: 21 JUN 85 21:48:47 EDT

CC:

TEXT: VZCZCNY0129

OO HQ

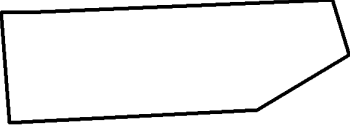
DE NY #0129 1722127


ZNY UUUUU

R 212033Z JUN 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI (194-5245) (P) IMMEDIATE

ATTN: FBIHQ SUPV. 

ATTN: FBIHQ SUPV. 

b6
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BT



UNCLAS

BRIBERY-PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JUNE 14, 1985.

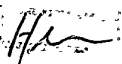
ON JUNE 20, 1985, THE FOLLOWING NYO INDICES WERE REVIEWED FOR

b6
b7C

NYO GENERAL INDICES: THERE WERE NUMEROUS REFERENCES TO 
BEING CLOSELY ASSOCIATED WITH MAJOR LCN FIGURES, INCLUDING 

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b7C

JUN 24 1985



PAGE FOUR DE NY 0129 UNCLAS

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0129

NNNN

-----END OF DOCUMENT-----

10.13

FBI

TELETYPE

PRIORITY

UNCLAS

6/24/85

PRIORITY
NEW YORK (183A-1290) (P) (C-10)
PRIORITY
DIRECTOR FBI ()

00587

ATTN: FBIHQ SUPERVISOR
ATTN: FBIHQ SUPERVISOR
ATTN: FBIHQ SUPERVISOR

b6
b7C

BT
UNCLAS

THIRTY AREAS OF INVESTIGATION RESULTING FROM REVIEW OF THE "TUMCON" FILE.

REDIRECTOR'S TEL TO NY, DATED JUNE 18, 1985 AND NYTELCALL TO
SUPV. [REDACTED] ON JUNE 19, 1985.

b6
b7C

REVIEW OF NEW YORK FILES AND VARIOUS INTERVIEWS HAVE BEEN
CONDUCTED. IN MANY INSTANCES, THERE ARE SEVERAL INDIVIDUALS THAT

1 - New York
1 - Supervisor C-10
HJM:tb021V3
(2)

Approved: JLH/DRW Transmitted 137 Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: elm

NOTE page 1
page 2 corrections

b6
b7C

WERE IMPLICATED IN MULTIPLE CASES IN THE THIRTY INVESTIGATIVE AREAS OF THE TUMCON SPECIAL. ALTHOUGH THESE CASES COULD BE PRESENTED FOR PROSECUTIVE OPINION WITHOUT INTERVIEW OF THESE INDIVIDUALS, A LOGICAL INVESTIGATIVE STEP WOULD BE TO INTERVIEW THEM TO RESOLVE THESE MATTERS. [REDACTED] MASSELLI, ORLANDO, [REDACTED] AND OTHERS ARE EITHER PRESENTLY IN JAIL ARE HAVE BEEN INDICTED. NEW YORK IS CONSIDERING WHETHER INTERVIEW OF THE FOLLOWING INDIVIDUALS ARE ~~NE~~ *is* NECESSARY AND BUREAU GUIDANCE IS REQUESTED.

1. NYFILE 183A-3429 - WILLIAM MASSELLI, [REDACTED] JOSEPH IPPOLITO, [REDACTED]
2. NYFILE 183A-3424 - CLOSED.
3. NYFILE 183A-3423 - NONE AT THIS TIME.
4. NYFILE 58A-2546 - WILLIAM MASSELLI, [REDACTED]
5. NYFILE 194A-496 - CLOSED.
6. NYFILE 183A-3426 - NONE AT THIS TIME.

b6
b7C

17. NYFILE 179A-1977 - [REDACTED]

18. NYFILE 183A-3428 - NONE AT THIS TIME

19. NYFILE 183A-3427 - CLOSED.

20. NYFILE 194A-499 - PERCY SUTTON [REDACTED]
[REDACTED]

21. NYFILE 147A-2944 - CLOSED.

22. NYFILE 147A-2946 - NONE AT THIS TIME.

23. NYFILE 147A-2945 - NONE AT THIS TIME.

24. NYFILE 194A-500 - [REDACTED] WILLIAM MASSELLI. [REDACTED]
[REDACTED]

25. NYFILE 183A-3425 - WILLIAM MASSELLI. [REDACTED]
[REDACTED]

b6
b7C

INBOX.3 (#6438)

TO: NY @ SAMNET-EMH. WF @ SAMNET-EMH

FROM: HQTX @ SAMNET-EMH

SUBJECT: 0315 ROUTINE

DATE: 29 JUN 85 05:36:59 EDT

CC:

TEXT: VICZCHQ0315

RR NY NK WF

DE HQ #0315 1800606

ZNY EEEEE

R 282141Z JUN 85

FM DIRECTOR FBI

TO ADIC NEW YORK ROUTINE

ATTN: SAC THOMAS L. SHEER AND FRANCIS J. STOREY. JR.

FBI NEWARK ROUTINE

ATTN: SAC JAMES CAGNASSOLA. JR.

FBI WASHINGTON FIELD ROUTINE

ATTN: SAC NORMAN A. ZIGROSSI

BT

UNCLAS E F T O

30 AREAS OF INVESTIGATION RESULTING FROM THE REVIEW OF THE
"TUMCON" FILE.

RENYTEL TO BUREAU DATED JUNE 25. 1985.

RECEIVING OFFICES SHOULD DISCONTINUE WEEKLY SUMMARY
TELETYPES AND BEGIN PROVIDING FBIHQ WITH BI-WEEKLY SUMMARY
TELETYPES BEGINNING JULY 1. 1985.

RENYTEL REQUESTED FBIHQ GUIDANCE REGARDING INTERVIEWS OF
CERTAIN AREAS OF INVESTIGATION. NEW YORK SHOULD DISCUSS THESE

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b7C

194A-499-86

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JUN 29 1985	
FBI - NEW YORK	

PAGE TWO DE HQ 0315 UNCLAS E F TO

INTERVIEWS WITH AUSA [REDACTED] AND SPECIAL ATTORNEY [REDACTED]

AND OBTAIN THEIR CONCURRENCE. THESE PROSECUTORS SHOULD BE REQUESTED TO COORDINATE THE DECISIONS TO INTERVIEW THESE PERSONS WITH [REDACTED] DOJ. FBIHQ WILL PROVIDE NEW YORK INSTRUCTIONS BY TELETYPE WHEN THIS COORDINATION IS ACCOMPLISHED. FBIHQ IS OF THE OPINION THAT ALL LOGICAL INTERVIEWS SHOULD BE CONDUCTED IN ORDER TO RESOLVE THESE MATTERS. BUT ONLY AFTER DOJ CONCURRENCE IS OBTAINED.

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b7c

BT

#0315

NNNN

10.97

FD-36 (Rev. 5-22-78)

20

FBI

TELETYPE

IMMEDIATE

UNCLAS

6/28/85

IMMEDIATE
NEW YORK (194A-499) (P) (TUMCON SPECIAL
IMMEDIATE

~~DIRECTOR FBI (194A-52451) (P) 160322~~

ATTN: FBIHQ SUPV.

ATTN: FBIHQ SUPV.

b6
b7C

BT

UNCLAS

BRIBERY-PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPES TO BUREAU DATED JUNE 21, 1985, AND
JUNE 24, 1985.

NEW YORK OFFICE (NYO) SUMMARIZES INVESTIGATION TO DATE AS
FOLLOWS:

ALL NYO INDICES SEARCHES ARE COMPLETED FOR

b6
b7C

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
RSW:TAF107V4
(2)

b6
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194A-499-87

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 2 1985	
FBI NEW YORK	

Approved: JLH/HM Transmitted 111 Per

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PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: Obm

PERCY SUTTON. PARTIAL INDICES SEARCHES ARE COMPLETE FOR [REDACTED]
[REDACTED]

b6
b7C

INVESTIGATION TO DATE HAS DEVELOPED NO ADDITIONAL INFORMATION
IN EFFORTS TO SUBSTANTIATE ALLEGATIONS MADE IN THIS CASE.

NY PLANS TO COMPLETE INDICES SEARCHES ON [REDACTED]
[REDACTED] NY IS ANTICIPATING BUREAU RESPONSE TO REQUESTS MADE TO
INTERVIEW SUTTON, [REDACTED] (NY TELETYPE TO DIRECTOR,
JUNE 24, 1985).

b6
b7C

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.4 (#6286)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/111

DATE: 28 JUN 85 16:32:55 EDT

CC:

TEXT: VZCZCNY0111

OO HQ

DE NY #0111 1791627

ZNY UUUUU

R 281601Z JUN 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL

TO DIRECTOR FBI (194A-5245) (P) IMMEDIATE

ATTN: FBIHQ SUPV. [REDACTED]

ATTN: FBIHQ SUPV. [REDACTED]

b6
b7C

BT

UNCLAS

BRIBERY-PERCY SUTTON: OO:NY.

REFERENCE NEW YORK TELETYPES TO BUREAU DATED JUNE 21, 1985, AND
JUNE 24, 1985.

NEW YORK SUMMARIZES INVESTIGATION TO DATE AS FOLLOWS:

ALL NYO INDICES SEARCHES ARE COMPLETED FOR [REDACTED]
PERCY SUTTON. PARTIAL INDICES SEARCHES ARE COMPLETE FOR [REDACTED]

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b7C

194A-499-87

SERIALIZED	INDEXED
JUL 2 1985	
FBI NEW YORK	

HLM

PAGE TWO DE NY 0111 UNCLAS

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b7C

INVESTIGATION TO DATE HAS DEVELOPED NO ADDITIONAL INFORMATION
IN EFFORTS TO SUBSTANTIATE ALLEGATIONS MADE IN THIS CASE.

NY PLANS TO COMPLETE INDICES SEARCHES ON

NY IS ANTICIPATING BUREAU RESPONSE TO REQUESTS MADE TO
INTERVIEW SUTTON. (NY TELETYPE TO DIRECTOR,
JUNE 24, 1985).

b6
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INVESTIGATION CONTINUING AT NEW YORK.

BT

#0111

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-----END OF DOCUMENT-----

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-27-2010 BY 60324 UC BAW/SAB/LSC

(Mount Clipping in Space Below)

(Indicate page, name of
newspaper, city and state.)

NEWSDAY

Long Island, N.Y.
Page 7

Date: **7/14/85**
Edition:

Title: **"AN INVESTIGATOR
Gone BAD"**

Character:

or

Classification:

Submitting Office:

NEW YORK

194A-499-88

SEARCHED INDEXED
SERIALIZED FILED

JUL 15 1985

FBI/DOJ

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An Investigation Gone Bad

FBI probe aimed high, foundered around informant Michael Orlando

First of two parts.

By Rita Ciolli

Newsday Washington Bureau

Bronx — It is an autopsy of an FBI investigation gone wrong.

Since May, in a mostly empty seventh-floor courtroom, an unorthodox pre-trial hearing has been exposing some long-held FBI secrets about a three-year probe that failed.

The corpse is TUMCON, the name given to what was touted in the bureau as a major probe of political corruption and organized crime. For a while, it rivaled ABSCAM for attention in the FBI's New York division.

But while the ABSCAM investigation bore fruit, TUMCON has sown dissension. In FBI documents and testimony in the hearing, harsh criticism is exchanged by agents and supervisors. One FBI agent is accused of being used by a very clever informant. Another agent admits he "got greedy" because he wanted to make a high-level organized-crime case. There are charges of serious mismanagement that go to the highest levels of the FBI in Washington.

The life and death of TUMCON was Michael Orlando, a former Long Island school teacher who had become deeply involved in organized crime. In Orlando, the FBI thought it had an informant who, as one prosecutor said, would be "better than Joe Valachi."

But Orlando has admitted to committing a mob murder, hijackings, and armed robberies while being paid by the FBI — \$500 a week at one point. And Kenneth Walton, former supervisor of the bureau's New York office, has accused two street agents of letting Orlando run the investigation. Walton, who has described TUMCON as a threat to the "integrity" of the office, said that FBI officials who received reports justifying the wiretap in the case and who authorized the payments to Orlando should have held tighter rein on the operation.

TUMCON still haunts the FBI. The bureau's Office of Professional Responsibility is conducting a major internal investigation. More than three dozen present and former agents have been asked to swear to statements that they were not involved in any cover-up, conspiracy or obstruction of justice resulting from TUMCON or the background investigation of former Labor Secretary Raymond Donovan.

Simultaneously, a squad of agents has been assigned to determine whether any of the evidence of probable crimes, unearthed in TUMCON's six-month, \$1-million-dollar electronic-surveillance effort, could still be prosecuted.

In addition, Rep. Donald Edwards (D-Calif.), chairman of the House Judiciary Committee's Civil and Constitutional Rights Subcommittee, said last week that he may schedule hearings on the FBI's handling of the investigation.

Donovan, organized-crime figure William Masselli, New York State Sen. Joseph Galiber, and seven others were indicted by a Bronx grand jury last fall in an alleged scheme to defraud the New York City Transit Authority of \$7.4 million in the building of a new Manhattan subway tunnel.

Donovan resigned from President Ronald Reagan's cabinet in March after State Supreme Court Justice John Collins refused to dismiss the multi-count indictment. The prosecution's evidence in the case includes the tapes of the TUMCON wiretap, which were stored in a federal government vault until Bronx District Attorney Mario Merola won their release in federal court.

But having gained possession of the tapes, Merola's office must now defend the FBI and the Justice Department from defense allegations that agents perjured themselves or acted unlawfully in order to get a federal judge to approve and continue the 1979 wiretap.

"It's like playing with a deck of 10 cards that has five jokers. You never know when one of them is going to come up," said Stephen Bookin, the Bronx prosecutor in charge of the case.

So far, all the defendants have denied any wrongdoing — as have the FBI and former members of the U.S. Attorney's Office in Manhattan.

The hearing in the Bronx is being held to consider a defense motion that the TUMCON evidence be suppressed. The Bronx District Attorney's Office maintains that the evidence was properly obtained. The hearing has already run eight weeks and is scheduled to resume July 22. But Justice Collins' ruling on the defense motion is not expected until the fall.

In ordering the hearing in April, Collins said the defense had presented initial evidence of a "tale of

intrigue, perjury and star chamber proceedings."

The Bronx hearing has been dominated by the dispute between the New York FBI office and the U.S. Attorney's Office in Manhattan over who is to blame for the disintegration of one of the most expensive operations in law-enforcement history.

"These are the giants fighting. We're incidental," said one defense attorney, expressing a sentiment often echoed by Bronx prosecutors.

The testimony last Wednesday of Robert Fiske, former U.S. attorney in Manhattan, sharply contradicted FBI agents about when problems with the informant and the wiretap became known. Several FBI witnesses are expected to be recalled when the hearing resumes.

According to FBI Associate Director William Baker, FBI Director William Webster has been monitoring the Bronx hearing, but the bureau is withholding comment for fear of affecting the proceedings.

The hearing, however, has already forced some uncomfortable disclosures for the FBI.

In 1980, a high-ranking FBI official told the U.S. Senate, which was checking into allegations that Donovan had organized-crime ties, that neither the nominee nor his business had shown up either in an FBI investigation or in wiretap references.

But in the Bronx hearing, the FBI has turned over a document which shows that it had targeted an alleged minority-business fraud scheme involving Donovan's firm, Schiavone Construction Co. of New Jersey, in March, 1979. And an attorney for Donovan has said that the former Cabinet member, his partner, Ronald Schiavone, and Schiavone Construction are mentioned a total of 361 times on the TUMCON tapes.

TUMCON Begins

In 1976, FBI agent Larry Sweeney, an armed-robbery specialist assigned to the Hauppauge office, began developing Orlando as an informant.

Orlando's FBI file gives him credit for the arrest of Patrick Huston, who was on the bureau's 10-most-wanted list; solving several hijackings; tipping the FBI to the hiding place of another most-wanted fugitive, although agents missed him by minutes; warning agents of murder attempts on Carmine Galante and later telling them who did it; and providing preliminary information about efforts to restart the French Connection heroin-importing scheme.

Orlando's tips were distributed, anonymously, throughout the bureau. In 1978, Ronald Levinson, an organized-crime specialist who had just been transferred to the New York office, became fascinated by Orlando's self-proclaimed role as a courier between crime families. Levinson made arrangements to meet Orlando, with Sweeney, in the parking lot of a Long Island shopping mall.

At first, Levinson testified, the inside organized-crime information that Orlando was providing was "too good to be true." Levinson said he was particularly struck by the tale of Angelo Tuminaro, a fugitive in the French Connection case and the man for whom the TUMCON investigation was named.

Orlando later described for the two agents a meeting in Coral Springs, Fla., at which a deal was being made to start a new heroin ring. He had told them of the meeting in advance and they had agreed not to accompany him lest they risk exposing him.

According to Levinson, Orlando told them that he and Masselli were told to go to a church parking lot for the meeting. While they waited in their rented limousine, the figure of a small, gnarled woman in black walked out of the church and over to the car. It was actually Tuminaro in disguise, Orlando told the incredulous agents.

Although the FBI knew in advance of two meetings Orlando had with Tuminaro, a crime figure they eagerly sought, they didn't even do any undercover surveillance of the meetings. Levinson and

—Continued on Page 30

Figures in the FBI's Operation



Michael Orlando, a former school teacher who became deeply involved in organized crime, served as an FBI informant beginning in 1976. He has admitted involvement in criminal activities while working on an FBI investigation of organized-crime figure William Masselli, leading to questions about how the probe was handled and whether wiretap evidence can be used in court.



Larry Sweeney is an FBI agent who, along with agent Ronald Levinson (photo not available), supervised Orlando's activities in the Masselli probe. Their handling of the case is being questioned, and they were warned earlier this year that they might be charged in a major internal investigation by the Justice Department. The two agents have said they fear becoming scapegoats.



Kenneth Walton, a former supervisor in the FBI's New York office, has accused agents Sweeney and Levinson of losing perspective on the case and letting Orlando run the bureau's investigation of Masselli. He described the situation as a threat to the integrity of the bureau's New York office.



Neil Welch, head of the Manhattan FBI division when the probe began, was anxious to revive the office's organized crime section and was initially impressed with the information Orlando provided. He later soured on the probe, feeling it never fulfilled its promise.

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An FBI Probe

—Continued from Page 7

Sweeney both testified that they were willing to sacrifice Tuminaro's arrest to protect Orlando's informant status. No charges were ever brought against Tuminaro, who would have been 77 at the time of the meetings.

In September, 1978, Levinson and Sweeney attended a meeting with then-U.S. Attorney Fiske and Neil Welch, the new, hard-driving head of the Manhattan FBI division who was anxious to revive its organized-crime section. Welch, in a recent book about the FBI, said when he took over the office in August of that year, the Manhattan division had no decent organized-crime informants and there were no political-corruption cases being prosecuted.

A memo that Levinson and another agent, Shaun Rafferty, sent to Welch complained that the New York office "systematically neglected" organized-crime intelligence. The Nov. 29, 1978, memo, said that "quality" intelligence was being done on an "ad-hoc basis" by agents with an intense interest and motivation in keeping the program going.

Informants were being recruited and liaisons being made without official approval, according to an agent familiar with the way the program was being operated at the time.

Welch liked what he heard from Levinson, whose criticisms of the New York office confirmed Welch's own. At that early September meeting, the Tuminaro story was told and retold. Names of several influential New York politicians suspected of being crooked were thrown around. TUMCON — which Levinson said stood for Tuminaro conspiracy — was officially under way. Orlando became a top-echelon informant and began receiving \$500 a week — in cash.

It was at this time that Levinson said, in statements to his superiors, that Ted Foley, head of the criminal division in the Manhattan bureau, had told him that the office needed a "good organized-crime case" so it could get a wiretap "to develop organized-crime intelligence."

Orlando was also telling the agents that they should bug Masselli's South Bronx meat plant in order to obtain "the key to organized crime in the city."

The TUMCON squad began preparing documents to be submitted to a federal judge in the fall of 1978, soon after they started physical surveillance of Masselli's plant. Apparently, these affidavits were being rejected as insufficient to justify a wiretap because the information in them, which came from Orlando, was stale.

"We did not have quite enough information," said Levinson, until a surveillance team staking out Masselli's plant observed a truck delivering a load of meat to the plant.

It Looked Like a Hijacking

On Nov. 30, FBI Agent Paul Doyle was perched in a booth behind a cigarette billboard on Bruckner Boulevard. Using a high-powered telescope through peepholes in the sign, he watched Masselli's plant, located on the Bronx side of the Willis Avenue Bridge. What he saw was part of an apparent hijacking. At 11:52 a.m., he noted in his log: "Masselli is looking in all directions, in a rapid manner . . . chewing cigar at the same time . . . looking in all directions nervously." At 12:12 p.m., a red refrigerated truck owned by the Forte Meat Co. arrived.

Doyle watched as boxes and quarters of beef were taken from the truck, and noted: "Masselli motioning as if supervising. Unloading is so fast that one quarter (of meat) bounces from pallet to the ground." He also observed that two of the men left the meat plant in a private cab — No. 75.

Within three hours, Doyle called FBI agent Benjamin Purser, who was assigned to draw up the paperwork for the wiretap order, to tell him Doyle suspected he had just witnessed a hijacking. Purser testified that he was "surprised that the hijacking was done in daylight." Until then it had been his understanding that Masselli received stolen property only at night. Masselli now contends that Orlando persuaded him to take the load, which had been stolen from the Forte Meat Co., because it was the only way that Orlando would be able to pay Masselli the \$1,500 he owed him.

Almost a month later, on Dec. 20, Doyle was on surveillance duty again at the plant. A 1:40 p.m. entry in his log states that two white males left the plant and entered a Miles Cab Co. car, No. 75: "Same males as seen on 11/30, one male same as driver of 371-JVC." The car bearing those plates was often seen at the plant, always with the same driver. According to the defense, the car was registered to Orlando's wife, Janice.

FBI payment records show that during the two weeks before and after the hijacking, Orlando was paid a total of \$7,500 by the FBI for his services as an informant. He was also paid \$500 on Nov. 30. Sweeney testified that he could not recall the time of his meeting with Orlando that day. And he repeatedly denied defense attorneys' charges that he had prior knowledge of the hijacking, or that Orlando set it up so the FBI could have fresh information to obtain a wiretap.

"That would have been improper," testified Sweeney. "It was against my oath as an FBI agent, I would not have been involved in it."

Orlando, in an interview with Newsday, admitted involvement in the Nov. 30 hijacking. But he denied that the agents knew of it in advance.

The Wiretap Begins

Based on the Nov. 30 hijacking, the U.S. Attorney's Office applied to federal Judge Henry Werker for a wiretap on Masselli's plant. One of the reasons Purser gave was a need to solve the Nov. 30 hijacking. Without identifying Orlando, Purser told the judge that the FBI had an informant who knew Masselli and knew about the hijacking, but who refused to testify or wear a concealed recording device.

Werker signed the order on Jan. 4. That night, with Orlando as a guide, FBI agents broke into the plant and installed a hidden microphone in Masselli's office. Orlando and the agents threw pieces of meat on the floor so that the break-in would look like a burglary.

Next, Orlando was told to go to the office, get close to Masselli and engage him in discussions about criminal activity. Levinson later would cite this directive in saying that he "got greedy" in the investigation. Orlando soon managed to get himself hired by Masselli at \$25,000 a year and was given the use of a car. But his placement would prove a fatal flaw in the TUMCON investigation.

Soon information about all sorts of criminal activity was being heard over the wiretap. But so was Orlando. In order to keep his identity completely secret, Levinson would record Orlando in the monitoring logs as "Mike LNU [last name unknown]."

In early February, agents listening to the tape overheard Orlando discussing a plan to manufacture synthetic cocaine. It soon became clear to the monitoring agents that "MIKE LNU" was a major participant in the scheme and the one who would obtain the chemicals to make the cocaine. Sweeney met with Orlando and told him to stay away from Masselli's plant. But Orlando said it was too late. If he suddenly didn't show up, it would become obvious that he was an informant. Orlando convinced the agents that this would mean his certain death.

In subsequent requests to Judge Werker, who is now deceased, the FBI maintained that it still needed to learn the identity of "MIKE LNU." The defense argues the judge was deceived into extending the wiretap order.

A month later, Orlando was overheard discussing the hijacking of a load of shrimp on March 26 and a truck full of cheese on March 29. Sweeney and Levinson both realized the problem was much more serious than they originally thought. While they believed that Orlando was not criminally responsible for the hijackings, it would appear so on the wiretap and he might have to be prosecuted.

On May 4, it became obvious that Orlando was the key figure in the hijacking of a load of batteries. In an interview with Newsday recently, Orlando was asked whether he thought he had immunity from the crimes he was involved with at Masselli's.

"More or less, I thought I did," he said. But he added, "More than once Sweeney had yelled at me, after the wire went in. He said you can't be committing criminal activities because we can't protect you. You're on your own if you get caught . . . There's not a question in anyone's mind that they knew what was going on," said Orlando.

The dilemma is a common one for both informants and agents. While, as a rule, the FBI wants its informants to stay out of trouble, their value comes from their involvement or association with criminals. Agents are also reluctant to arrest sources because it would then require them to go out and cultivate new ones.

On June 6, agents overheard a startling conversation on the wiretap. A New York City police officer said that Orlando had been involved in an armed house-robbery on Staten Island that day before. The officer was trying to solicit a bribe from Masselli, who was known to be employing Orlando, to quash the case. The officer said Orlando's arrest on the charge was imminent.

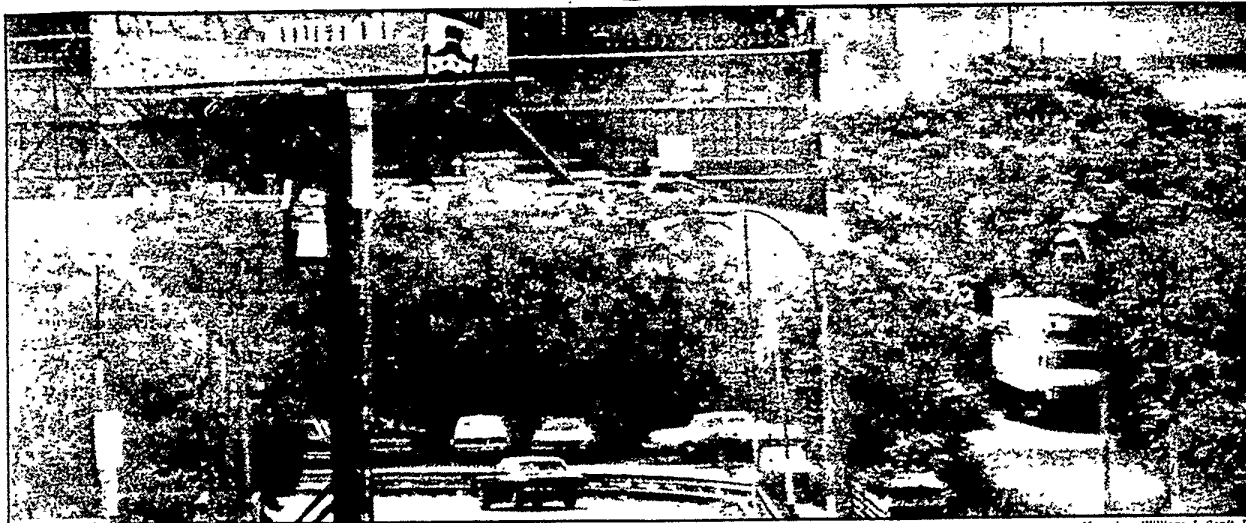
The agents realized they could no longer protect

NEWSDAY, SUNDAY, JULY 14, 1985

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30

That Aimed High but Failed



Newsday: William J. Senti Jr.

FBI'S VIEW from surveillance perch in the Bronx shows outline of William Masselli's Bruckner Boulevard plant emerging behind trees. Using a high-powered telescope, agent Paul Doyle on Nov. 30, 1978, watched the unloading of meat taken in an apparent hijacking.

Orlando as an informant and that their superiors in the FBI would question Orlando's credibility. After the incident, the FBI never sought permission to continue the tap. It ended July 8, 1979. According to an internal summary of an FBI interview with Orlando on May 17, the informant said that he told neither Masselli nor Sweeney of the Staten Island robbery because "he was walking a tight line as he was working both sides — Masselli and the FBI."

Internal Dispute Begins

Soon after the late-March hijacking, Levinson and Sweeney sought help. Mostly they were concerned that since Orlando was overheard on the wiretap, his identity would have to be revealed to their superiors.

The two agents and others assigned to the TUMCON squad testified that they told U.S. Attorney Fiske and others at a April 20, 1979, meeting that Michael Orlando was the informant and that he might have been involved in the shrimp and cheese hijackings. Fiske, the FBI agents contend, said federal prosecutors would research the issue. But they pledged to protect Orlando even if it meant that the cocaine and hijacking cases would not be prosecuted.

But Fiske and his assistant, Michael Ross, recall things differently. They testified that they did not learn of Orlando's identity until June 6.

Welch, who has testified that he doesn't recall the events during this period, also contradicted Sweeney and Levinson. He said that the two never mentioned any crimes that the informant was committing. Had they done so, Welch said, "he would have pulled the plug" on the wiretap.

During the disputed six-week period, federal prosecutors submitted and got approval three times for extensions of the eavesdropping orders. If they knew of Orlando's identity before June 6, they would have had a role in deceiving or committing perjury before a federal judge.

After the wiretap ended, the FBI and federal prosecutors were faced with the difficult decision of which cases to continue investigating for possible prosecution. TUMCON supervisor James Moody composed a list of 17 possible cases, including political corruption charges against New York politicians and the minority-business fraud charge that is the substance of the main case against Donovan and others. Only a few of these would have exposed Orlando.

But by this time, Welch, then head of the New York office, had soured on TUMCON, feeling it had never fulfilled its promise, the hearing testimony reveals. He also thought Orlando "was out of control." He recommended that the TUMCON probe be shut down and Orlando prosecuted.

Welch retired before a final decision was made, however, and the New York office was left in charge of a deputy, Kenneth Walton. Sweeney and Levinson continued anew to try to have Orlando spared. "The source is guilty in no legal or moral way with regard to the cheese hijacking, shrimp hijacking, or synthetic cocaine case," maintained Sweeney.

But Walton disagreed, the testimony and hearing documents show. He said Sweeney had lost perspective on the case and had let Orlando take over.

He accused the agent of trying to give his informant a "sweetheart deal."

Orlando was "the best informant we ever had," Levinson argued — but Walton scornfully dismissed that contention.

He and Sweeney then told Walton they were going over his head and would appeal his decision to Washington. Walton warned against such a move. "You are going to step on your [private parts]," Sweeney has quoted Walton as replying.

By this time the New York FBI office had a new head, Lee Laster. In an attempt to heal some of the divisiveness, Laster ordered an internal investigation by Daniel McGorty, a counter-intelligence specialist who had had no part in the TUMCON dispute.

McGorty took statements from all of the participants and made recommendations about what was to be done with Orlando. The bureau has never revealed those recommendations. According to several FBI sources, Laster locked the report in the safe in the New York office and never sent it to Washington.

By early 1981, it was clear that the federal government was going ahead on a prosecution of Masselli, Orlando and others on the cocaine and hijacking cases but not on the other potential cases suggested by the TUMCON tapes.

Just before Washington headquarters was ready to indict Orlando, Sweeney made a last attempt to save his informant. In a 28-page letter, introduced in evidence at the hearing, Sweeney told FBI Director William Webster that for the first time he felt "a sense of shame associated with the FBI" because it had failed to honor its commitment to Orlando. He listed all that Orlando had done for the bureau and the possible corruption cases that included names of congressmen, a federal judge and others. And he told Webster, "What remained after years of dedicated labor by innumerable street agents are these relatively minor theft cases and a sorry attempt by several hoodlums to manufacture synthetic cocaine."

Sweeney also charged that Walton's reluctance to work with Orlando had hampered the bureau's effort to investigate Donovan.

But officials in Washington were seeing it differently. Julius Bonovolonta, assistant section chief in the bureau's organized-crime division, said in a 1981 statement that Levinson was guilty of "hyping" the cases in the beginning and that later Levinson and Sweeney "weren't able to fulfill expectations."

Bonovolonta said he didn't think Orlando "was as good" as the New York office was boasting he was, or that the cases he promised were "as big as the New York office was indicating." Earlier this year, Sweeney and Levinson both were officially warned that they might be charged in a major internal investigation being conducted by the Justice Department's Office of Professional Responsibility. The two agents have told friends and other agents that they fear becoming scapegoats.

Sweeney, in his statement, said that the responsibility for closing up the investigation became a "political football" and that Washington headquarters was "pissed that New York passed the problem on to them." "If blood is on anyone's hands, it is not going to be the bureau," said Sweeney.

What Went Wrong

Justice Department and FBI officials now concede privately that the Bronx hearing poses a dilemma for them. If the Bronx judge rules that the tapes are valid, questions will again be raised as to why the federal government never brought the case against Donovan's firm, Schiavone Construction and the other political-corruption cases.

If the tapes are suppressed, neither the FBI nor the Manhattan U.S. Attorney's Office wants to shoulder the blame for having lied to a federal judge. If the bureau is blamed, Levinson and Sweeney have confided to friends that they are worried that Washington will make them scapegoats.

Representatives in both the FBI and Manhattan U.S. Attorney's Office worry about the ability to work together after this, even if TUMCON survives legal scrutiny.

Officials in the Justice Department and the FBI say they now regret that neither told Merola before he sought his indictment that he was going to find some problems with Orlando or their wiretap.

What went wrong? FBI officials decline to give their assessment while the hearing continues. But statements given to the FBI during its internal probe and made public at the hearing give some answers.

Agent John Good, head of the Hauppauge office, told his superiors in April that the original goal of TUMCON could have been achieved, but that the probe suffered from a "lack of continuity in management, supervisors and investigating agents."

Good, who was deeply involved in the ABSCAM investigation during the same period, testified that it was "a very confusing time in the New York office."

This spring, Levinson said he was never told by his FBI superiors or the U.S. Attorney's Office that "it was dangerous, wrong or a procedural error" to let Orlando go to Masselli's premises during the wiretap.

Purser, the agent who actually signed the affidavits, said that at no time did the agents working the case talk with each other, or to their supervisor, about what was happening. Other agents testified that they never asked Levinson or Sweeney who their informant was and whether he was the one being overheard on the wiretap. Such queries were considered "gauche in organized-crime circles," they said.

FBI supervisors familiar with the case said that Orlando should have been removed from the scene the minute he was overheard in a criminal conversation on the wiretap.

Even Levinson now concedes that if Orlando had been used only to corroborate information on the tape and not to get directly involved with the targets, he might have realized his dream of making one of the best political-corruption/organized-crime cases in the nation.

Under questioning by Ted Geiser, lead counsel for the Schiavone Construction Co., at the end of nine days on the witness stand, Levinson said Orlando never should have been allowed to become the key player.

"If I had realized that at the time, things never would have gone the way they did," said Levinson. "I laid awake nights thinking about it, sir."

NEXT: The Informant

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FBI/DOJ

The Double-Edged Informant

He moonlighted with the mob while on the FBI payroll

Second of two parts

By Thomas J. Maier

Carmine should have listened. He was warned, but he laughed it off.

Word of the murder contract against Carmine Galante reached his ears weeks before he was shot dead in 1979 on the back patio of a Brooklyn restaurant. Galante, who aspired to be the undisputed boss of the Joseph Bonanno crime family, discounted the warning, perhaps because the tip came not from a street-wise confidant but from the most unlikely of sources — the Federal Bureau of Investigation.

"I was sitting in a club on Mulberry Street, with some people I had been in jail with, and they mentioned that Carmine was going to get killed," recalls Michael Orlando. "I was trusted. They didn't think twice about me sitting there."

Eager to please, Orlando passed the word of Galante's impending demise to FBI agents, explaining that members of his own crime family saw Galante as "getting too greedy" for power. For months, these same federal agents had been paying Orlando on a "cash-on-delivery" basis for information concerning hijackings, narcotics trafficking, political corruption and the movements within organized crime.

The Galante tip — later confirmed with deadly accuracy despite the FBI's relayed warning to the crime boss — only added further luster to Orlando's rising star as a double agent within the underworld of La Cosa Nostra. No mere "wise guy," Orlando, a college-educated informant with street smarts, was touted in the memos shared by these FBI agents and their superiors as a member of organized crime's "new generation."

But much to the chagrin of those government officials who enlisted him, Orlando would prove to be an informant whose credibility was clouded not only by his past record, but by his continuing criminal activity while on the FBI's payroll.

Around Michael Joseph Orlando, a former Long Island schoolteacher, the New York office of the FBI would weave an ill-fated investigation called TUMCON, based on a wiretap within a Bronx warehouse — an operation that the FBI has said cost \$1 million. The probe into political corruption and narcotics trafficking would later collapse when top FBI and Justice Department officials concluded that much of TUMCON could not be used in court.

Three years later, however, the wiretap tapes were revived with a court order obtained by the Bronx district attorney, and used last October to indict then-U.S. Secretary of Labor Raymond Donovan, a New York State senator, and several others for allegedly defrauding \$7.4 million from a New York City subway construction project. At the ongoing pretrial hearings in the Donovan case, however, much legal controversy continues to swirl around the actions of the FBI and its informer.

Orlando, 44, is now sheltered within the federal witness protection program, fearing for his life as his parole begins tomorrow. In a series of recent interviews with Newsday, he talked about his life as a mob hitman, his shattered family, his impending testimony at Donovan's trial and his feelings about FBI agents now under investigation for their actions during the TUMCON probe.

... All organized-crime guys had a tendency to send their sons to college. And we all grew up together, like we were one group. When I got into trouble, I had people to run to. And slowly, believe it or not, it's like osmosis. You get drawn in either by the money, or if you want to call it the glamor. The easy living, which later in life doesn't come out so easy. You pay very dearly for it.

St. John's University seemed generations away from the streets of Williamsburg, Brooklyn, where Michael Orlando grew up in a neighborhood in which "half became hoodlums, half wound up in the police department, and one or two became priests." On the Queens campus, Orlando studied economics and business administration, hoping someday to become a teacher. His dream came true shortly after graduation in September, 1963, when he entered a fourth-grade classroom at Nathaniel Woodhull Elementary School in Shirley. Not far from the East End summer home where his family once stayed, Orlando found enjoyment teaching youngsters and coaching softball and swimming after school.

But his annual teacher's salary of \$5,200 didn't travel far in the fast-paced world of a young man with a taste for fine clothes, fancy cars and frequent trips to the racetrack. By year's end, much of Orlan-



THE INFORMANT. Michael Orlando, who moved from a life of teacher to mob hitman.

do's weekly paycheck was being garnished for debts to jewelry stores and finance companies, according to school records. He failed to show up for the last five weeks of class, then agreed to resign.

Orlando's street instincts beckoned. He turned to a world he had never fully left. Even at St. John's, Orlando's fraternity brothers included the son of crime boss Joe Profaci and the scion of other reputed mobsters. His uncles had paved his way into organized crime by being "deeply involved" in it all their lives, he said. Orlando's first steps included book-making and loansharking — activities that paid far more than teaching. "From \$100 a week, you're all of a sudden earning \$2,000 a week," he said.

With that kind of money, weekend trips to Puerto Rico soon became commonplace, Orlando says. He began lining his pockets with the proceeds from armed hijackings of trucks loaded with valuables, and scores of car thefts and burglaries — he recently admitted in court to "at least" 240 burglaries. At his financial peak, about 1968, Orlando estimated he earned nearly \$1 million from a multi-million bank

heist he pulled with four accomplices. Part of the loot was also shared with a Queens detective, who Orlando claims "shook us down for \$160,000" by threatening to prosecute.

He soon knew his way around a courthouse, having learned how plea-bargaining could bring a suspended or lighter sentence — a lesson that would serve him well. Steadily, from 1966 to 1973, Orlando's rap sheet extended to a second page, filled with guilty pleas involving burglary, robbery and possession of a weapon in New York and New Jersey. The next year, however, Orlando received a sentence of up to four years in upstate Green Haven Correctional Facility for an armed robbery he pulled in Lawrenceville while on his way to Roosevelt Raceway. Said Nassau County Judge Raymond Wilkes at his January, 1974, sentencing hearing: "If you cannot learn now once and for all, Mr. Orlando, that there comes a time in a man's life when, if he does not learn from his past mistakes he is foredoomed to repeat those mistakes, God help you."

"... They [FBI officials] said I was uncontrollable. But that's not, from what I understand later ... an uncommon thing. Everyone said that Sweeney was too emotionally involved with me. It's possible, I don't know. Maybe he did overlook things because we became friends, if it's possible for an agent to become friends with a hoodlum ..."

The visit from FBI agent Lawrence T. Sweeney came before Christmas, 1976, when Orlando was in a halfway house awaiting his parole date, three months away. Sweeney hoped to turn Orlando, to make him an informant. And he came armed with what, he later acknowledged in court papers, was "a bluff."

"All he wanted from me was political connections and movement within organized crime. I had never done this before so I said, 'No, don't even talk to me about this,'" Orlando recalls. "And [Sweeney] said, 'Well, we're going to prosecute you for a bank robbery in Cedarhurst.' I said, I don't think you really have a case there, and I didn't do it. But behind my mind, I knew that I did it."

The bluff worked. Orlando, fearful of facing 20 years in jail, called Sweeney back after the holidays and took the offer. With Sweeney as his "control"

—Continued on Page 22



GALANTE MURDER. Mobster Carmine Galante was killed after he ignored a warning from the FBI — a warning based on a tip from Orlando.

NEWSDAY, MONDAY, JULY 15, 1985

AP Photo

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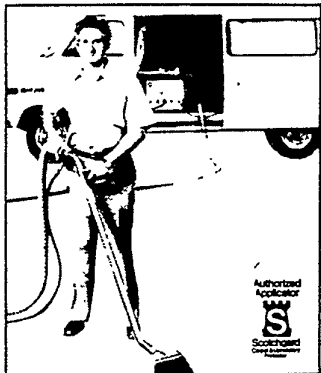
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An FBI Informer

Continued from Page 7
agent," Orlando provided information on a regular basis, picking up weekly checks ranging from \$200 to \$500. Over the following months, Orlando was credited with helping recover hijacked trucks, solving homicides and armed bank robberies, and saving the lives of two other FBI informants and an undercover New York City police officer.

On the telephone, Sweeney and his informant would also talk about their personal lives. "We'd ask about each other's kids; they're about the same age," Orlando recalls. "We'd discuss colleges and chicken pox with each other, different things the kids were going through." Sweeney also helped Orlando financially by arranging for reward money, including a \$2,000 check from a grateful truckers association that paid Orlando while he wore a ski mask to protect his identity.

At first, Orlando says, his dual existence as mobster and informer disturbed him. He says he refused an offer to become a 'made' member of the Genovese crime family, telling them he wanted "to leave this life someday." But the real reason, Orlando says, was that he knew that as a 'made member,' violent reprisal would extend to his family if his existence as an informer became known. "Did you ever throw up in the mornings and can't sleep at night? I went through that for a couple of years," Orlando says. "After awhile, it became second nature."

Indeed, Orlando continued to perform truck hijackings, armed robberies and other assorted felonies — all while on the payroll of the FBI, which would dole out some \$53,000 to Orlando during his four years as an informer. It was a matter of basic finances. "Could you support a wife and kid on \$200 a week?" Orlando says. "I think they expect their informants to, if you want to say, freelance. But they don't expect them to get caught at it."

In late 1978, Orlando says, he sold a load of hijacked meat to William Masselli, a reputed Genovese crime-family member who owned his own meat warehouse and construction firm in the Bronx. The FBI was already interested in Masselli because of his connections to several politicians, including State Sen. Joseph Galiber. When Orlando told Sweeney about his old friend Masselli, the bureau seized upon the opportunity, directing Orlando to start working for Masselli.

Eventually, the FBI was able to install a court-approved wiretap in the Masselli warehouse with Orlando's help, hoping to break up the hijacking and narcotics ring they believed it sheltered. The FBI's TUMCON investigation was born.

"... If you show a weakness, the person that is with you will kill you. A professional killing is never done alone, there's always a backup. And if you show a weakness, or hesitate, they're going to kill you. It might not be on the spot. It might be when you get into the car. It might be in a thousand places. But you don't think about it when it happens. It's all reaction, from the streets..."

It was after a dinner with Masselli in the Bronx that Orlando says the conversation turned to Salvatore Frascione, a competing subcontractor with the Schiavone Construction Co. of New Jersey. On that 1978 night, Orlando says, he was ordered by Masselli to kill Frascione. Orlando would later claim that he could not warn the FBI. He had to shoot Frascione or be killed himself by Masselli.

Shortly after the Frascione hit, the FBI questioned its informant, Orlando, who says he told them "everything" about the killing — everything except the fact that he had been the "triggerman."

"If I had confessed to Larry Sweeney — 'Well, Larry, I killed a guy last night' — that statement is direct admission. I'd be facing 25 years to life. I'm not stupid." Authorities would not learn it was Orlando who pulled the trigger until he was granted total immunity upon entering the federal witness protection program in 1982. He has agreed to testify against Masselli and another accomplice at their forthcoming trial for Frascione's murder.

According to an FBI document, in early 1979 Orlando accepted another murder contract, on Mario Montuoro, a former top official within the Blasters Union, who was expected to testify about a \$2,000 payoff by union officials that had been witnessed two years earlier by a top Schiavone official — Raymond Donovan.

Orlando says he and Masselli agreed to the hit. But this time, Orlando says, he alerted the FBI. "They pulled him [Montuoro] right off the street," Orlando says, and promptly placed Montuoro, a government informer, into the witness protection program. "He was going to break up a union that is

mob-controlled," Orlando says. "It's basic math: I eliminate the person." In 1982, Montuoro, whose testimony would later help convict two union officials, left the program after winning \$2.5 million in the New York State Lottery.

But despite such contributions, Orlando's career as an FBI informant would soon come to an end. While the FBI's hidden tapes and cameras were rolling, court records show, Orlando was spotted as an active participant in an armed hijacking of a truckload of fish, and two months later the hijacking of a load of batteries. And on the tape, FBI agents heard Masselli tell an associate: "This other kid is a bad kid, ya know, this kid Mike. This guy's got about ten [killings] under his belt already, in case you don't know it."

Orlando's accounts of murder contracts, armed hijackings and arsons under the orders of Masselli are called "nonsensical pap from a pathological liar" by Masselli's lawyer. "He's made a lot of allegations that are good story-book fare, but both the FBI and juries have found he's a contemptible liar," says the attorney, John Nicholas Iannuzzi. Similar comments have been made by Donovan's lawyers.

In September, 1980, more than a year after the TUMCON wiretap was closed down, the FBI labeled Orlando an "uncontrollable" informant and stopped using him because of the crimes he had committed. Orlando said he was relieved by the decision. But in TUMCON's aftermath — as the FBI battled within itself and with the Justice Department about Orlando's actions and the legality of the investigation — Orlando, once the informer, would be among the few to face criminal charges. With his secret status as an informer still kept intact, Orlando pleaded guilty in 1981 to federal charges that he was involved in a synthetic-cocaine manufacturing conspiracy.

"... No one knew when this first occurred that it would lead to the Bronx with the secretary of labor or any other politicians... If we ever thought it would mushroom the way it did, we would have dropped the issue. No one's gained by this. The bureau's been tarnished, the government has been tarnished, the administration's been tarnished..."

Raymond Donovan was just a name, one of several Schiavone officials who flew in by helicopter to a construction site dressed in their expensive suits. "Who was Ray Donovan to me?" Orlando says. "The only thing we had in common is that we both lived in the same state."

But on the 892 hours of TUMCON tapes, Donovan's name is mentioned six times. And the name



MARIO MONTUORO. FBI says Orlando planned to kill Montuoro, then alerted the FBI, which placed him under protection.

Who Moonlighted for the Mob

of Donovan's Schiavone firm is mentioned repeatedly at one point in talk of a conspiracy between Masselli's firm and Schiavone on a New York City subway-construction project.

Orlando says he was surprised that Donovan — who, he said, broke bread with wise guys and partied at the 1979 Super Bowl with Masselli and others — would be nominated by President Ronald Reagan in 1981 to one of the nation's top Cabinet posts. Donovan was given the FBI's seal of approval after a background check, despite the existence of the TUMCON tapes. "I was surprised when he was confirmed," Orlando said. "They had quite a few people telling [the FBI] about him, but they just let him in. I guess there was no substantial evidence. But it didn't seem right at the time."

Donovan's sudden prominence seemed to make the TUMCON failure all the more distressing to the bureau. Top-level FBI officials in New York and Washington had already blamed Sweeney and another agent, Robert Levinson, for being suckered by Orlando as their informant ran amok. Sweeney responded by also going to the top. In 1981, he sent FBI Director William Webster a memo charging that the New York office had "hampered" the investigation into Donovan's alleged organized-crime ties by prohibiting Sweeney from talking further with Orlando. A year later, special federal prosecutor Leon Silverman would officially discount the allegations against Donovan, in part, he said in his report, because the informant — Orlando — was no longer credible.

But the FBI's dispute continues with an ongoing internal investigation of the TUMCON case, much of it centering on whether the bureau was ignorant of, or worse, had condoned Orlando's criminal activities as an informant. Sweeney and Levinson and some three dozen agents have been notified of their legal rights as part of the FBI's probe, and have been warned that they may face prosecution for possible wrongdoing. The criticisms against Sweeney, his onetime confessor, bother Orlando. "Even if I did commit everything they say, did everything wrong and lied to Sweeney, Sweeney believed what I told him and was acting on good faith all the way down the line," Orlando says.

By mid-1982, Orlando faced 14 years in jail for both his federal cocaine-conspiracy sentence and another pending armed-robbery conviction in New Jersey. As he had done before, Orlando struck a deal with prosecutors. He would enter the federal witness protection program, publicly testifying against Masselli on the Frasccone killing and any other criminal case that would require him to take the stand. In return, Orlando would receive immunity for his past felonies — which he later described in court as "too numerous to specify" — and have his jail time reduced to less than four years.

"... We sat down and I told the kids what was going on and what I had done. At first, they were shocked because I had told them all their lives, 'Don't snitch on your friends.' When the shock wore off, the oldest one saw me and said, 'Well, Dad, I'd rather read in the paper about you helping the government than keep reading that you did something wrong.'"

Janice Orlando told FBI agents that she didn't want the program for her family. It was unbearable for her to think that Michael was "ratting out" by becoming a federally protected wit-



RAYMOND DONOVAN. The former secretary of labor's name was mentioned six times on the 892 hours of TUMCON tapes.

ness, she told them. It had been bad enough for her, her husband admits, bringing up three kids almost by herself, spending the nights alone in their two-story New Jersey colonial, worrying and waiting for him. After all the past hurts, Orlando acknowledges that his decision in 1982 to go public eventually led to their divorce.

"She felt I was bringing a lot of harm to her and the kids, and what I was doing wasn't right," Orlando says. "Try uprooting 17- and 18-year-old kids. How do they explain a new life where they've never been before, where their names are all of a sudden changed, their school records are changed, their established friends who they grew up with aren't there anymore. It's very, very hard on a family."

For years, Orlando had been able to enjoy the good life of the suburbs, his neighbors seemingly oblivious to the man valued for his ability to move among the five crime families of New York. Despite the armed hijackings and the murder weapon he once stashed in the wall of his home, Orlando would still find time to barbecue in the back yard with his son's soccer team. And the same man who says he blew up several trucks while setting a

fire for Maselli at a rival construction firm found no contradiction in volunteering as a fireman in his hometown. "It was a business, and I did what I was told," Orlando says, like the good crime soldier he once was. "But that doesn't change the fact that I was still a father and that I loved my children any less than a guy who goes to work nine to five."

The strain of the witness program is also evident these days in Orlando's relationship with his children. "I missed my boy's graduation the other night from high school," he says, with unmistakable regret. "It's tough when your oldest cries on the phone because his father's not there for graduation." His oldest son and his teenage daughter seem to comprehend his dilemma, but his youngest son, Mikey, refused to speak to him for six months after Orlando began his prison sentence. "You left me again," the little boy eventually told him.

Orlando remembers how, as a boy, he ignored his uncles' warnings about the lure of organized crime. He would challenge their machismo and suggest they were just afraid he would earn more money than they did. Now, Orlando believes he has permanently

separated off his family's family, sent into La Cosa Nostra. "I made it so that my kids could never get involved," he says. "The blood line is broken. If they wanted to get involved, they couldn't. It's a strange blessing."

Orlando clings to the hope of a reconciliation with his former wife. But he says that her brother, a Roman Catholic priest, takes a dim view of Orlando's past. Orlando has come to agree with his wife's original advice about the long-term emotional effects of the witness program, however. "Don't do it. Do the time. It's not worth it," Orlando says. "You might lose your family doing the time. But it's almost a definite fact the other way."

"... I've never been scared in my life, but when I testified the other day, I saw my hand shake when I reached for that glass of water. I fear no man alive, but my hand — I don't know why — shook for the first time in my life. It was like I was giving a man a death sentence..."

Propped up before a jury as the star witness in a recent murder trial, Orlando's narrow brown eyes squinted as he pondered the questions of defense attorneys. His answers usually remained within the safe realm of "yes" or "no." They tried to trip him up, but he stuck to his story, ever mindful, he says later, of the potential perjury rap.

In the coming days, Orlando will testify at a pretrial hearing in the case against Donovan, Galiber, Masselli and other Schiavone officials for their alleged subway-construction scheme. That case, built from the FBI's resurrected TUMCON tapes, was developed by the Bronx district attorney during talks with Orlando about the Frasccone killing. Afterward, Orlando is also expected to bear witness against his old friend Masselli for that slaying.

Last month, Orlando testified under heavy guard at the Suffolk murder trial of another old friend, Peter Corso. He told the court that, in a Manhattan bar in 1979, Corso told him he shot Brentwood lawyer Archimedes Cervera to collect on a \$10,000 murder contract. The information was passed to the FBI and later to the Suffolk police.

Orlando says it was difficult to turn state's evidence against his old pal, who glared at him across the courtroom. "It's a business matter now, it's my survival against his survival," Orlando contends. "I could have got on that stand and said, 'Yes, I killed Archie Cervera,' and the courtroom would have been in an uproar, Pete would have went home, and there's nothing that would have happened to me. But I decided I was telling the truth. This is what I know, and it's up to a jury to believe me or not believe me."

Corso did go home. The jury acquitted him after just four hours of deliberation. Several jurors said they simply refused to believe the word of an admitted mob hitman who was murdering while on the government payroll.

Today, Orlando may play one last card game with the other government informers sheltered by the program, or simply watch television and wonder when he will see his family next. But tomorrow, when he begins a new life outside a federal penitentiary, Orlando will await the young hitman out there, planning somewhere, like Orlando once did, to make his reputation with a murder contract.

The threats have already been made, prosecutors say. And Orlando is convinced that, like his other advance warnings, this contract will be carried out. "I live with the knowledge that I'm going to die," he says. "It's just a question of how."

NEWSPAP, MONDAY, JULY 15, 1985

FD-302 (rev. 3-8-77)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription
7/9/85

1

Upon being advised of the identity of the interviewing agents, and the nature of the interview, [redacted] b6
[redacted] advised as b7C
Bronx, New York, telephone number [redacted]
follows:

[redacted] advised that he knows [redacted] to be b6
[redacted] Since [redacted] b7C
[redacted] in the Bronx, New York, he knows of [redacted]

[redacted] has met [redacted] several times over the years and
has [redacted] The
meetings of [redacted] have occurred at [redacted] b6
[redacted] b7C

[redacted] advised that [redacted] has not used his influence b6
[redacted] to benefit [redacted] b7C
in any way.

[redacted] has not been involved in any kind of bribery in
1979 or at any other time which may have effected [redacted] b6
[redacted] is not aware of any b7C
alleged bribe to PERCY SUTTON on behalf [redacted]

[redacted] advised that [redacted] contacted him once to
recommend a minority (black) contractor in the event any of [redacted]
contracts called for a minority contractor. [redacted] stated that
he never used this minority contractor recommended by [redacted] and b6
he can not recall the name of the contractor or of his company. b7C
This is the extent of [redacted] contact with [redacted]

[redacted] advised he has never met WILLIAM MASSELLI,
[redacted] or PERCY SUTTON. [redacted] has b6
read about WILLIAM MASSELLI and PERCY SUTTON in local newspapers. b7C
[redacted] is not aware of any information concerning WILLIAM
MASSELLI or PERCY SUTTON other than what has appeared in the
newspaper. [redacted] is not aware of any alleged bribe paid to
PERCY SUTTON in 1979 or at any other time on behalf of [redacted]
[redacted]

Interviewed on 7/5/85 at Bronx, New York

File # NY 194A-499

By SA'S [redacted] and

RSW:tar

Date Dictated 7/6/85

This document contains neither recommendations nor conclusions of the FBI.
It is the property of the FBI and is loaned to your agency; it and its
contents are not to be distributed outside your agency.

NY 194A-499

Continuation of
interview of [REDACTED] On 7/5/85

Page 2

b6
b7C

This concluded the inquiries of SA [REDACTED]
This interview continued with questions asked by SA [REDACTED]

b6
b7C

NY 194A-499

Continuation of [redacted] interview of [redacted] On 7/5/85

Page 2

b6
b7C

This concluded the inquiries of SA [redacted]
This interview continued with questions asked by SA [redacted]

b6
b7C

10.106

20

FD-36 (Rev. 5-22-78)

FBI

TELETYPE

IMMEDIATE

UNCLAS

7/12/85

IMMEDIATE

NEW YORK (194A-499) (P) (TUMCON SPECIAL)

IMMEDIATE

~~DIRECTOR FBI (194-5245) (P) 15147~~

ATTN: FBIHQ SUPV. [REDACTED]

ROOM 3036

b6

ATTN: FBIHQ SUPV. [REDACTED]

ROOM 3865

b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO DIRECTOR DATED MAY 3, 1985, MAY 10, 1985 AND JUNE 28, 1985.

b6
b7C

ON JULY 5, 1985 AN INTERVIEW WAS CONDUCTED OF [REDACTED]

[REDACTED]
BRONX, NEW YORK, TELEPHONE [REDACTED]

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
KSW:TAF148V4
(2)

b6
b7C

OK
194A-499-91

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 16 1985	
FBI NEW YORK	

[REDACTED] [Signature]

Approved: ALH/SM Transmitted 109 Per

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: elm

b6
b7C

[REDACTED] ADVISED AS FOLLOWS:

b6
b7C

[REDACTED] ADVISED THAT HE KNOWS [REDACTED] TO BE [REDACTED]

[REDACTED] IN THE BRONX, NEW YORK. SINCE [REDACTED]

[REDACTED] IN THE BRONX, NEW YORK, HE KNOWS OF [REDACTED]

b6
b7C

[REDACTED] HAS MET [REDACTED] SEVERAL TIMES OVER THE YEARS AND HAS
CONTRIBUTED TO SEVERAL OF [REDACTED] THE
MEETINGS OF [REDACTED] AND [REDACTED] HAVE OCCURRED AT [REDACTED]

b6
b7C

[REDACTED] ADVISED THAT [REDACTED] HAS NOT USED HIS INFLUENCE [REDACTED]
[REDACTED] TO BENEFIT [REDACTED] IN ANY
WAY.

b6
b7C

[REDACTED] HAS NOT BEEN INVOLVED IN ANY ~~BRIBERY~~ IN 1979 OR
AT ANY OTHER TIME WHICH MAY HAVE EFFECTED [REDACTED]
[REDACTED] IS NOT AWARE OF ANY ALLEGED BRIBE TO
PERCY SUTTON ON BEHALF OF [REDACTED]

b6
b7C

[REDACTED] ADVISED THAT [REDACTED] CONTACTED HIM ONCE TO RECOMMEND A

MINORITY (BLACK) CONTRACTOR IN THE EVENT ANY OF [REDACTED] CONTRACTS
CALLED FOR A MINORITY CONTRACTOR. [REDACTED] STATED THAT HE NEVER USED
THIS MINORITY CONTRACTOR RECOMMENDED BY [REDACTED] AND HE CAN NOT
RECALL THE NAME OF THE [REDACTED] OR OF HIS COMPANY. THIS IS THE
EXTENT OF [REDACTED] CONTACT WITH [REDACTED]

[REDACTED] ADVISED HE HAS NEVER MET WILLIAM MASSELLI, [REDACTED]
[REDACTED] OR PERCY SUTTON. [REDACTED] HAS READ ABOUT
WILLIAM MASSELLI AND PERCY SUTTON IN THE LOCAL NEWSPAPERS. [REDACTED]
IS NOT AWARE OF ANY INFORMATION CONCERNING WILLIAM MASSELLI OR PERCY
SUTTON OTHER THAN WHAT HAS APPEARED IN THE NEWSPAPER. [REDACTED] IS
NOT AWARE OF ANY ALLEGED BRIBE PAID TO PERCY SUTTON IN 1979 OR AT
ANY OTHER TIME ON BEHALF OF [REDACTED]

BUREAU SHOULD BE ADVISED THAT INTERVIEW OF [REDACTED] WAS
CONDUCTED BY SPECIAL AGENTS [REDACTED]
AT THE CONCLUSION OF ABOVE NOTED COMMENTS OF [REDACTED] REGARDING
TUMCON MATTERS, SA [REDACTED] PROCEEDED TO INTERVIEW [REDACTED] REGARDING A
CURRENT INVESTIGATION WHICH IS IN NO WAY RELATED TO INSTANT
INVESTIGATION.

b6
b7C

[REDACTED] COMMENTS TO SA [REDACTED] QUESTIONS ARE NOT INCLUDED IN
THIS TELETYPE.

b6
b7C

NEW YORK WILL COORDINATE PROPOSED INTERVIEW OF PERCY SUTTON AND
[REDACTED] WITH AUSA [REDACTED] NEW YORK WILL WAIT FOR BUREAU
INSTRUCTIONS BASED ON COORDINATION WITH [REDACTED] LOJ.

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.9 (#7598)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: IMMEDIATE/109

DATE: 12 JUL 85 15:14:26 EDT

CC:

TEXT: VZCZCNY0109

OO HQ

DE NY #0109 1931444

ZNY UUUUU

R 121355Z JUL 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI (194-5245) (P) IMMEDIATE

ATTN: FBIHQ SUPV. [REDACTED] ROOM 3036

ATTN: FBIHQ SUPV. [REDACTED] ROOM, 3865

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO DIRECTOR DATED MAY 3, 1985, MAY
10, 1985 AND JUNE 28, 1985.

ON JULY 5, 1985 AN INTERVIEW WAS CONDUCTED OF [REDACTED]

[REDACTED]
BRONX, NEW YORK, [REDACTED]

b6
b7C

PAGE TWO DE NY 0109 UNCLAS

[REDACTED] ADVISED AS FOLLOWS:

b6
b7C

[REDACTED] ADVISED THAT HE KNOWS [REDACTED]

[REDACTED] IN THE BRONX, NEW YORK. SINCE [REDACTED]

b6
b7C

[REDACTED] IN THE BRONX, NEW YORK, HE KNOWS OF [REDACTED]

[REDACTED] HAS MET [REDACTED] SEVERAL TIMES OVER THE YEARS AND HAS

[REDACTED] THE

MEETINGS OF [REDACTED] HAVE OCCURRED AT [REDACTED]

b6
b7C

[REDACTED] ADVISED THAT [REDACTED] HAS NOT USED HIS INFLUENCE AS A

[REDACTED] TO BENEFIT [REDACTED] IN ANY

WAY.

b6
b7C

[REDACTED] HAS NOT BEEN INVOLVED IN ANY KIND OF BRIBERY IN 1979 OR

AT ANY OTHER TIME WHICH MAY HAVE EFFECTED [REDACTED]

b6
b7C

[REDACTED] IS NOT AWARE OF ANY ALLEGED BRIBE TO

PERCY SUTTON ON BEHALF [REDACTED]

PAGE THREE DE NY 0109 UNCLAS

[REDACTED] ADVISED THAT [REDACTED] CONTACTED HIM ONCE TO RECOMMEND A MINORITY (BLACK) CONTRACTOR IN THE EVENT ANY OF [REDACTED] CALLED FOR A MINORITY CONTRACTOR. [REDACTED] STATED THAT HE NEVER USED THIS MINORITY CONTRACTOR RECOMMENDED BY [REDACTED] AND HE CAN NOT RECALL THE NAME OF THE CONTRACTOR OR OF HIS COMPANY. THIS IS THE EXTENT OF [REDACTED] CONTACT WITH [REDACTED]

b6
b7C

[REDACTED] ADVISED HE HAS NEVER MET WILLIAM MASSELLI. ERNEST [REDACTED] OR PERCY SUTTON. [REDACTED] HAS READ ABOUT WILLIAM MASSELLI AND PERCY SUTTON IN THE LOCAL NEWSPAPERS. [REDACTED] IS NOT AWARE OF ANY INFORMATION CONCERNING WILLIAM MASSELLI OR PERCY SUTTON OTHER THAN WHAT HAS APPEARED IN THE NEWSPAPER. [REDACTED] IS NOT AWARE OF ANY ALLEGED BRIBE PAID TO PERCY SUTTON IN 1979 OR AT ANY OTHER TIME ON BEHALF OF HIM [REDACTED]

b6
b7C

BUREAU SHOULD BE ADVISED THAT INTERVIEW OF [REDACTED] WAS CONDUCTED BY SPECIAL AGENTS [REDACTED] AT THE CONCLUSION OF ABOVE NOTED COMMENTS OF [REDACTED] REGARDING TUMCON MATTERS. SA [REDACTED] PROCEEDED TO INTERVIEW [REDACTED] REGARDING A CURRENT INVESTIGATION WHICH IS IN NO WAY RELATED TO INSTANT

b6
b7C

PAGE FOUR DE NY 0109 UNCLAS

INVESTIGATION.

[REDACTED] COMMENTS TO SA [REDACTED] QUESTIONS ARE NOT INCLUDED IN
THIS TELETYPE.

b6
b7C

NEW YORK WILL COORDINATE PROPOSED INTERVIEW OF PERCY SUTTON AND
[REDACTED] WITH AUSA [REDACTED] NEW YORK WILL WAIT FOR BUREAU
INSTRUCTIONS BASED ON COORDINATION WITH [REDACTED] DOJ.

b6
b7C

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0109

NNNN

-----END OF DOCUMENT-----

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

DATE: 7/26/85

TO : SAC II (194A-499) (P)

FROM : SA [REDACTED] (TUMCON SPECIAL)

b6
b7C

SUBJECT: BRIBERY;
PERCY SUTTON
(OO:NY)

On 7/19/85, the writer met with Assistant United States Attorney (AUSA) [REDACTED] Southern District of New York (SDNY), re the proposed interviews of [REDACTED] PERCY SUTTON. The facts of the case and the status of the investigation were presented to [REDACTED] for the purpose of him making a decision on the interviews. [REDACTED] advised that the case had no prosecutive merit due to insufficient evidence and expiration of the Statute of Limitations.

b6
b7C

He declined prosecution on this case. Since he declined prosecution, [REDACTED] advised there was no reason to conduct the interviews of [REDACTED] SUTTON.

b6
b7C

[REDACTED] advised that [REDACTED] gave him authority to decline prosecution on all TUMCON related cases. During this meeting on 7/19/85, [REDACTED] telephonically contacted [REDACTED]. [REDACTED] advised that [REDACTED] gave him authority over the phone to make decisions on proposed interviews in any TUMCON related cases.

b6
b7C

[REDACTED] was advised of the Bureau guidelines in Director's teletype to New York, dated 6/29/85, re procedure for obtaining clearance for interviews and furnishing declinations. [REDACTED] said that since [REDACTED] gave him authority to decide on interviews and furnish prosecutive opinions, there was no need to coordinate same with the Bureau.

b6
b7C

1-TUMCON SUPERVISOR

RSW:iap
(2)

194A-499-92

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 26 1985	
[REDACTED] DRK	

b6
b7C

NY 194A-499

On 7/23/85, the writer discussed this case with ASAC FRANK STOREY and SA [redacted]. A discussion took place concerning AUSA [redacted] recommendations to conduct no further interviews and close the case by declining prosecution. This procedure was not in accordance with instructions stated in Director's teletype to NY, dated 6/29/85. Consideration was given to conducting the interviews in spite of the opinion of [redacted]. If the interviews were conducted, there could be no future question concerning the resolution of the case. However, it was agreed that if [redacted] concurred on the declination, no further interviews would be conducted and the case would be closed based on the declination.

b6
b7C

On 7/24/85, the writer telephonically contacted FBIHQ Supervisor [redacted]. The aforementioned series of events was explained to SA [redacted]. SA [redacted] understood the situation and agreed the case should be closed on the declination of [redacted]. SA [redacted] advised that this factual situation should be communicated to the Bureau in the normal bi-weekly teletype.

b6
b7C

10.62

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FD-36 (Rev. 5-22-78)

FBI

TELETYPE

IMMEDIATE

UNCLAS

7/24/85

IMMEDIATE
NEW YORK (194A-499) (P) (TUMCON SPECIAL)
IMMEDIATE
DIRECTOR FBI (194-5245) [REDACTED] 01312
ATTN: FBIHQ SUPV. [REDACTED]
ATTN: FBIHQ SUPV. [REDACTED]

b6
b7C

BT
UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JULY 12, 1985. NEW
YORK TELCALL FROM SA [REDACTED] TO BUREAU SUPERVISOR [REDACTED]
[REDACTED] DATED JULY 24, 1985.

b6
b7C

ON JULY 19, 1985, A MEETING WAS HELD WITH AUSA [REDACTED]
[REDACTED] SOUTHERN DISTRICT OF NEW YORK, REGARDING THE PROPOSED
INTERVIEWS OF [REDACTED] PERCY SUTTON. THE FACTS OF THIS

b6
b7C

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
RSW:TAF112V4
(2)

Approved: SLH/PRW Transmitted 207/0160 Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: mk [signature]

CASE AND THE STATUS OF THE INVESTIGATION WERE PRESENTED TO [REDACTED]
[REDACTED] FOR THE PURPOSE OF HIM MAKING A DECISION ON THE INTERVIEWS.
[REDACTED] ADVISED THAT THE CASE HAD NO PROSECUTIVE MERIT DUE TO
INSUFFICIENT EVIDENCE AND THE EXPIRATION OF THE STATUTE OF
LIMITATIONS. HE DECLINED PROSECUTION ON THIS CASE. SINCE HE
DECLINED PROSECUTION, [REDACTED] ADVISED THERE WAS NO REASON TO
CONDUCT THE INTERVIEWS OF [REDACTED] SUTTON.

b6
b7C

[REDACTED] ADVISED THAT [REDACTED] GAVE HIM AUTHORITY TO
DECLINE PROSECUTION ON ALL TUMCON RELATED CASES. DURING THIS
MEETING ON JULY 19, 1985, [REDACTED] TELEPHONICALLY CONTACTED [REDACTED]
[REDACTED] ADVISED THAT [REDACTED] GAVE HIM AUTHORITY
OVER THE PHONE TO MAKE DECISIONS ON PROPOSED INTERVIEWS IN ANY
TUMCON RELATED CASES.

b6
b7C

[REDACTED] WAS ADVISED OF THE BUREAU GUIDELINES IN DIRECTOR'S
TELETYPE TO NEW YORK DATED JUNE 29, 1985, REGARDING PROCEDURE FOR
OBTAINING CLEARANCE FOR INTERVIEWS AND FURNISHING DECLINATIONS. [REDACTED]
[REDACTED] SAID THAT SINCE [REDACTED] GAVE HIM AUTHORITY TO DECIDE ON
INTERVIEWS AND FURNISH PROSECUTIVE OPINIONS, THERE WAS NO NEED TO
COORDINATE SAME WITH THE BUREAU.

b6
b7C

NEW YORK OFFICE WILL FURNISH DECLINATION LETTER TO USA'S OFFICE
AND COMPLETE NECESSARY STEPS TO CLOSE CASE.

INVESTIGATION CONTINUING AT NEW YORK.

OUTBOX.9 (#2548)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: 207/0160 IMMEDIATE

DATE: 27 JUL 85 01:31:24 EDT

CC:

TEXT: VZCZCNYD160

OO HQ

DE NY #0160 2072356

ZNY UUUUU

R 262335Z JUL 85

FM FBI NEW YORK (194A-499) (P) (TUMCON SPECIAL)

TO DIRECTOR FBI (194-5245) IMMEDIATE

ATTN: FBIHQ SUPV [REDACTED]

ATTN: FBIHQ SUPV [REDACTED]

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON: OO:NY.

REFERENCE NEW YORK TELETYPE TO BUREAU DATED JULY 12, 1985. NEW
YORK TELCALL FROM SA [REDACTED] TO BUREAU SUPERVISOR [REDACTED]
[REDACTED] DATED JULY 24, 1985.

b6
b7C

ON JULY 19, 1985. A MEETING WAS HELD WITH AUSA [REDACTED]
[REDACTED] SOUTHERN DISTRICT OF NEW YORK. REGARDING THE PROPOSED
INTERVIEWS OF [REDACTED] PERCY SUTTON. THE FACTS OF THIS

b6
b7C

94A-499-93

SERIALIZED	FILED
JUL 31 1985	
FBI NEW YORK	

HC

PAGE TWO DE NY 0160 UNCLAS

CASE AND THE STATUS OF THE INVESTIGATION WERE PRESENTED TO [REDACTED]
[REDACTED] FOR THE PURPOSE OF HIM MAKING A DECISION ON THE INTERVIEWS.
[REDACTED] ADVISED THAT THE CASE HAD NO PROSECUTIVE MERIT DUE TO
INSUFFICIENT EVIDENCE AND THE EXPIRATION OF THE STATUTE OF
LIMITATIONS. HE DECLINED PROSECUTION ON THIS CASE. SINCE HE
DECLINED PROSECUTION, [REDACTED] ADVISED THERE WAS NO REASON TO
CONDUCT THE INTERVIEWS OF [REDACTED] BUTTON.

b6
b7C

[REDACTED] ADVISED THAT [REDACTED] GAVE HIM AUTHORITY TO
DECLINE PROSECUTION ON ALL TUMCON RELATED CASES. DURING THIS
MEETING ON JULY 19, 1985, [REDACTED] TELEPHONICALLY CONTACTED [REDACTED]
[REDACTED] ADVISED THAT [REDACTED] GAVE HIM AUTHORITY
OVER THE PHONE TO MAKE DECISIONS ON PROPOSED INTERVIEWS IN ANY
TUMCON RELATED CASES.

b6
b7C

[REDACTED] WAS ADVISED OF THE BUREAU GUIDELINES IN DIRECTOR'S
TELETYPE TO NEW YORK DATED JUNE 29, 1985, REGARDING PROCEDURE FOR
OBTAINING CLEARANCE FOR INTERVIEWS AND FURNISHING DECLINATIONS [REDACTED]
[REDACTED] SAID THAT SINCE [REDACTED] GAVE HIM AUTHORITY TO DECIDE ON
INTERVIEWS AND FURNISH PROSECUTIVE OPINIONS. THERE WAS NO NEED TO

b6
b7C

PAGE THREE DE NY 0160 UNCLAS

COORDINATE SAME WITH THE BUREAU.

NEW YORK OFFICE WILL FURNISH DECLINATION LETTER TO USA'S OFFICE
AND COMPLETE NECESSARY STEPS TO CLOSE CASE.

INVESTIGATION CONTINUING AT NEW YORK.

BT

#0160

NNNN

-----END OF DOCUMENT-----

(Indicate page, name of newspaper, city and state.)

Page 17, NEWS,
NEW YORK,
NEW YORK

Date: 8/1/85

Edition:

Title:

Character:
or

Classification:

Submitting Office:

NEW YORK

b6
b7C

194A-429-94
SEARCHED INDEXED
SERIALIZED FILED

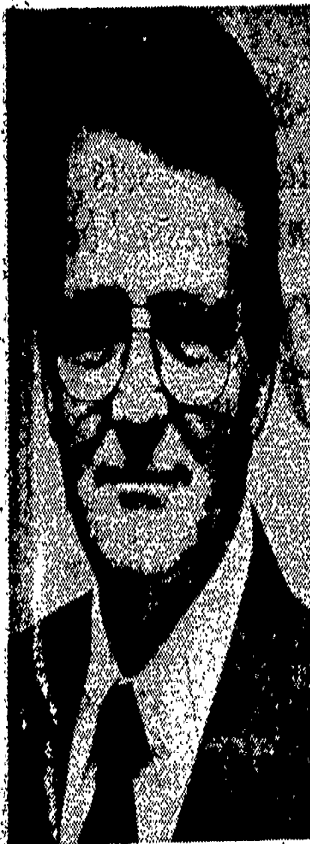
AUG 1 1985

FBI DOJ

HIS LIPS ARE SEALED

Donovan witness clams up—146 times

By RICHARD SISK



JOHN PEDIN DAILY NEWS
Raymond Donovan outside court.

A Bronx courtroom echoed to the drumbeat recitation of the Fifth Amendment yesterday as an admitted mob hitman clammed up about evidence in the fraud and conspiracy case against former Labor Secretary Raymond Donovan.

Donovan watched quietly as Michael Orlando, 44, invoked his constitutional right against self-incrimination 146 times during a pre-trial hearing before Bronx Supreme Court Justice John Collins.

The hearing focused on a challenge by Donovan's former firm, Schiavone Construction Co., to the admission into evidence of federal wiretaps gathered in the probe of Donovan and the firm. Some tapes had mob figures discussing murders, drug dealing and political corruption.

Orlando has been a federal infor-

mant since 1978, but his lawyer, David Gould, said he told his client to clam up because he feared federal officials would "bury Michael" with a series of separate criminal charges.

"ON THE ADVICE of counsel, I'm asserting my Fifth Amendment rights," Orlando said to all questions from lawyers for Schiavone. Donovan once was Schiavone's executive vice president.

Orlando even cited the Fifth when asked by defense lawyer Robert Kasanof: "Are you going to claim the Fifth to every question?"

Outside court, Donovan ridiculed Orlando, a key witness in the case involving the alleged theft of \$7.4 million for work Schiavone did on the troubled 63d St. subway tunnel.

"It disgusts me, this lying person," Donovan said. "He's a damned liar."

Orlando, who taught briefly at a public elementary school in Shirley,

L.I., in the 1960s, has testified about alleged meetings Donovan had with him and other reputed mobsters at the Super Bowl and other places.

Donovan attacked authorities for giving Orlando immunity despite Orlando's admission to several crimes, including a contract murder.

"I'm not worried about this case," said Donovan. "I'm worried about my reputation, and he (Orlando) has ruined it. And he'll be walking out the door free. It's amazing."

Donovan, Schiavone and several other of the firm's officers were indicted last year on charges brought by Bronx District Attorney Mario Merola alleging that the defendants conspired to defraud the Transit Authority through an arrangement with Jo-Pel Construction and Trucking Co., headed by reputed mobster Peligrino William (Billy the Butcher) Masselli and State Sen. Joseph Galiber (D-Bronx).

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

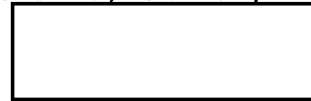
26 Federal Plaza
New York, New York 10278

July 30, 1985

Honorable Rudolph Giuliani
United States Attorney
Southern District of New York
U.S. Federal Building
One St. Andrews Plaza
New York, New York 10007

Attention: William Schwartz, Assistant United States Attorney

Re: Percy Sutton;



b6
b7C

Rico - Bribery

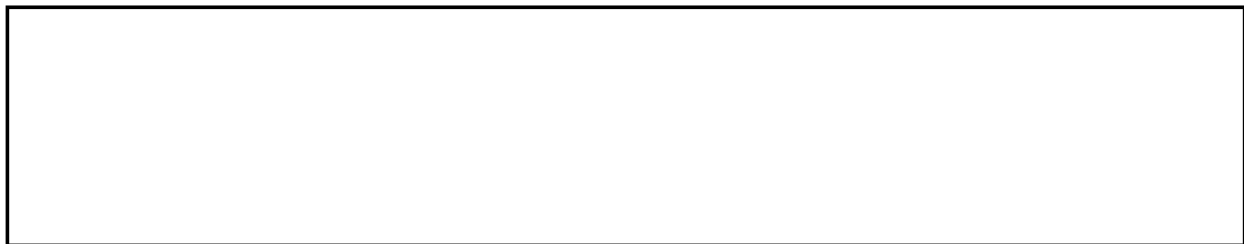
Dear Sir:

This letter will confirm the conversation between
Assistant United States Attorney [redacted] and Special
Agent [redacted] on July 19, 1985.

b6
b7C

On aforementioned date, Special Agent [redacted] advised
[redacted] of the facts of this case.

b6
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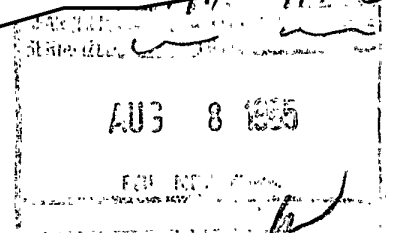
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Investigation to date has not produced any positive
information that would substantiate the allegations. On July 5,
1985, [redacted] was interviewed and denied any involvement in
above stated allegations.

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b6
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*HAND CARRIED TO AVSA
SDNY by SA
8/7/85.*



194-499-95

20. 194A-499

On July 19, 1985, [redacted] declined prosecution on the basis of insufficient evidence of any wrongdoing and the statute of limitations had expired.

b6
b7C

In view of this opinion by AUSA [redacted] no further investigation is being conducted concerning this matter.

b6
b7C

Sincerely yours,

THOMAS L. SHEER
Special Agent in Charge
Criminal Division

By: *Francis J. Storey Jr.*

FRANCIS J. STOREY, JR.
Assistant Special Agent in
Charge
Criminal Division

*Received 8/7/85
up*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

AIRTEL

DATE: 7/26/85

TO : DIRECTOR, FBI (194-5245)
(ATTN: FBIHQ SUPERVISOR [REDACTED])
(ATTN: FBIHQ SUPERVISOR [REDACTED])

b6
b7C

ILH
77
FROM : ADIC, NEW YORK (194A-499) (C) (TUMCON SPECIAL)

SUBJECT: BRIBERY-PERCY SUTTON
(OO:NY)

ReNYteletype to Director, dated 7/26/85.

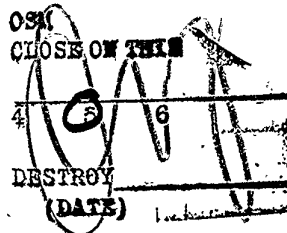
Enclosed for the Bureau are two (2) copies of letter of declination provided to AUSA [REDACTED] Southern District of New York (SDNY).

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In view of the fact prosecution has been declined, NY is placing this case in a closed status.

4-Bureau (Encls. 2)
2-New York

RSW:iap
(7)
W/grad



194A-499-96

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 8 1985	
RK	

b6
b7C

Rick Review file and index.

FBI

TELETYPE

IMMEDIATE

UNCLAS

8/8/85

IMMEDIATE
NEW YORK (194A-499) (C) (TUMCON SPECIAL)
IMMEDIATE
DIRECTOR FBI (194-5245) ()
ATTN: FBIHQ SUPV. [REDACTED]
ATTN: FBIHQ SUPV. [REDACTED]

204/2

b6
b7C

BT
UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO DIRECTOR JULY 26, 1985 AND NEW
YORK AIRTEL TO DIRECTOR JULY 26, 1985.

DECLINATION LETTER FORWARDED TO FBIHQ BY REFERENCED TELETYPE.

1 - New York 194A-499
1 - Supervisor TUMCON SPECIAL
RSW:TAF151V4
(2)

b6
b7C

194A-499-97

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 12 1985	
FBI NEW YORK	

[REDACTED] [REDACTED]

Approved: SLH/PR

Transmitted 221/132

Per [REDACTED]

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD
PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: mk

OUTBOX.22 (#3978)

TO: HQ1 @ SAMNET-EMH

FROM: NY @ SAMNET-EMH

SUBJECT: 221/132 IMMEDIATE

DATE: 9 AUG 85 20:44:41 EDT

CC:

TEXT: VZCZCNY0132

OO HQ

DE NY #0132 2212019

ZNY UUUUU

R 091808Z AUG 85

FM FBI NEW YORK (194A-499) (C) (TUMCON SPECIAL)

TO DIRECTOR FBI (194-5245) IMMEDIATE

ATTN: FBIHQ SUPV.

ATTN: FBIHQ SUPV.

b6
b7C

BT

UNCLAS

BRIBERY - PERCY SUTTON; OO:NY.

REFERENCE NEW YORK TELETYPE TO DIRECTOR JULY 26, 1985 AND NEW
YORK AIRTEL TO DIRECTOR JULY 26, 1985.

DECLINATION LETTER FORWARDED TO FBIHQ BY REFERENCED TELETYPE.

BT

#0132

194A-499-97

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 12 1985	
FBI NEW YORK	

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

DATE: 8/13/85

TO : ADIC, NEW YORK

FROM : SA [REDACTED] (TUMCON SPECIAL)

b6
b7C

SUBJECT: TUMCON

On August 8, 1985, Special Agent [REDACTED] telephonically contacted FBIHQ Supervisor [REDACTED] and discussed any closing reporting requirements concerning these various twenty nine cases. (Review of MIOG indicates in some instances (58's, 206's, 207's, etc.) closing LHM's should be submitted to FBIHQ. Supervisor [REDACTED] stated that as indicated previously, normal reporting requirements for the TUMCON special are being met by the bi-weekly summary teletypes and normal reporting requirements do not apply, i.e., no LHM's are required to be submitted in closing cases for this matter.

b6
b7C

1 - Supv. TUMCON SPECIAL
DRW:taf
(2)

DRW

b6
b7C

194A-499-98

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1985	
[REDACTED]	

psm

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 122

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Page 20 ~ b3, b6, b7C
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